SENATE.

THURSDAY, *February 5, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Chair hears none, and it is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army, asks a conference with the Senate on the disagreeing votes of the two houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SULZER managers on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose;

A bill (H. R. 647) for the relief of William P. Marshall;

A bill (H. R. 5756) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899;

A bill (H. R. 9503) to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract;

A bill (H. R. 16630) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York; and

A joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition signed by the presidents of 11 American colleges and 46 college professors in various colleges, which are in addition to a large number signed by other presidents and professors, asking that the inquiry into the conditions in the Philippine Islands may be continued, so that the American people may know just what is going on there. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GAMBLE presented a petition of Labor Union No. 14, Western Federation of Miners, of Deadwood, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Kushequa, Pa., praying for the adoption of an amendment to the Constitution to prohibit remarriage, unless divorced under certain conditions; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First United Presbyterian Church of Sheridan; of the congregation of Mt. Washington Baptist Church, of Pittsburg; of the congregation of the Central Reformed Church, of Allegheny; of 31 citizens of Warren; of the congregation of the Duquesne Heights Methodist Episcopal Church, of Pittsburg; of the Woman's Christian Temperance Union of Allegheny, and of the congregation of the Trinity Lutheran Church, of Selinsgrove, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the International Brotherhood of Electrical Workers of Philadelphia, of Cigarmakers' Local Union No. 316, of McSherrystown, of the Central Labor Union of Columbia, of the Central Labor Union of Lancaster, of the Trades Assembly of Williamsport, and of Cigarmakers' Local Union No. 301, of Akron, all of the American Federation of Labor, in the State of Pennsylvania, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of 29 citizens of East Smithfield, of the Women's Christian Temperance Union of Glen Campbell, and of the congregation of the Mount Washington Methodist Episcopal Church, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Star Lodge, No. 329, of Philadelphia; of Liberty Lodge, No. 6, of Philadelphia; of Keystone Lodge, No. 120, of Philadelphia; of McKinley Lodge, No. 283, of Pottstown; of Wilkesbarre Lodge, No. 158, of Wilkesbarre; of Pennsylvania Lodge, No. 19, of Philadelphia; of Judge Meyer Sulzberger Lodge, No. 95, of Philadelphia, and of Pennsylvania Lodge, No. 67, of Philadelphia, all of the Order of B'rith Abraham, in the State of Pennsylvania, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of 19 citizens of Hegins, of 44 citizens of Aristes, and of 25 citizens of Lehigh, all in the State of Pennsylvania, and of 84 citizens of Boston, Mass., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. QUAY presented a memorial of the Seneca Nation of Indians, remonstrating against the enactment of legislation to ratify and confirm a lease made by the Seneca Nation to John Quilter; which was referred to the Committee on Indian Affairs.

Mr. WARREN presented a petition of the Chamber of Commerce of Juneau, Alaska, praying for the enactment of legislation to establish Juneau as a port of entry; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of Granite State Lodge, No. 181, Order of B'rith Abraham, of Manchester, N. H., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. ELKINS presented a petition of the Woman's Christian Temperance Union of Fairmont, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Elkhorn Lodge, No. 304, Order of B'rith Abraham, of Keystone, W. Va., praying for the enactment of legislation to modify the methods and practice employed by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. DRYDEN presented petitions of H. K. Slack, of Trenton; of David S. Mayhew, of Trenton; of H. Huret, of Trenton; of J. B. Keiser, of Paterson; of Local Union No. 13, of Newark; of Carpenters and Joiners' Local Union No. 429, of Montclair; of Local Union No. 163, of Jersey City, all of the American Federation of Labor; of Local Division No. 289, Amalgamated Association of Street Railway Employees, of West Hoboken, and of Local Division No. 174, Order of Railway Conductors, of Paterson, all in the State of New Jersey, and of Lithographers' International Protective and Beneficial Association No. 1, American Federation of Labor, of New York City, N. Y., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Trent Tile Company, of Trenton; of James R. Sayre, jr., & Co., of Newark; of the Joseph Campbell Preserve Company, of Camden; of the Trenton Potteries Company, of Trenton; of Joseph G. Gallagher, of Newark, and of the John Moses & Sons Company, of Trenton, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Joseph P. O'Lone, of Hoboken, N. J., remonstrating against the repeal of the revenue-stamp tax on eighths kegs of beer; which was referred to the Committee on Finance.

He also presented the petition of M. S. Reeves, of Bridgeton, N. J., and a petition of Admiral Farragut Council, No. 162, Junior Order of United American Mechanics, of Jersey City, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented memorials of Mrs. Marten L. Cox, of Newark, of G. Wisner Thorns, of Newark, and of the Society for the Prevention of Cruelty to Animals, of Elizabeth, all in the State of New Jersey, and of Edmund J. Karr, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Rev. DeWitt C. Cobb, of Atlantic Highlands; of Hugh Graham, of Kearny; of Rev. H. M. Brown, of Cranbury; of Walton B. Luds, of Morristown; of Alfred W. Seeds, of Moorestown; of J. K. Carroll, of Dennisville; of Jacob Hayes, of Moorestown; of Mrs. Lizzie Tyler, of Point Pleasant; of Dr. Milton Munson, of Atlantic City; of Nathan J. Taylor, of East Newark; of Edward H. Jones, of Haddonfield; of L. D. Sibley, of Vineland; of W. H. Gardner, of Livingston; of Thomas M. Moore, of Passaic; of J. B. Westcott, of Vineland; of Walter Scott Brown, of Vineland; of L. F. Babcock, of Vineland; of James A. Wood, of Vineland; of H. F. Henderson, of Vineland; of William P. Lyzott, of Vineland; of George A. Mitchell, of Vineland; of John Permisman, of Vineland; of Joseph A. Cornwell, of Vineland; of Rev. C. B. Fisher, of Cape May, and of the Law and Order League of New Jersey, of Cape May, all in the State of New Jersey; of H. W. Collingsworth of New York City; of Frederick E. Kip, of New York City, and of David A. Ackerman, of New York City, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. SCOTT presented petitions of sundry citizens of Ravenwood, Buffalo, Spencer, Weston, Charleston, Lockhart, Wheeling, Buckhannon, and Point Pleasant, all in the State of West Virginia, praying for the enactment of legislation granting to States the power to deal with the intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a petition of Lodge No. 195, Order of B'rith Abraham, of Newport News, Va., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of Lodge No. 441, International Association of Machinists, of Portsmouth, Va., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. BEVERIDGE presented a memorial of the Humane Society of Elkhart, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of New Albany, Ind., praying for the adoption of a metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. SPOONER presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation to exclude illiterate immigrants, and also to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union and sundry citizens of Menomonie, Wis., praying for a continuance of the anticanteen law; to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Military Affairs.

Mr. TILLMAN presented a memorial of the American Anti-Trust League and District Assembly No. 66, Knights of Labor, of Washington city, D. C., remonstrating against the enactment of legislation placing the Interstate Commerce Commission under the jurisdiction of the department of commerce, and also against merging the Department of Labor with the department of commerce, and praying for the passage of the so-called Heitfeld bill, creating the Department of Labor as a separate department; which was referred to the Committee on Commerce.

STATEHOOD BILL.

Mr. BEVERIDGE. I send to the desk a petition which I ask may be read.

There being no objection, the petition was read, as follows:

CHICKASHA, IND. T., *January 27, 1903.*

Hon. JOSEPH H. MILLARD,
Washington, D. C.

DEAR SIR: In behalf of the women of the Indian Territory and of Sorosis of Chickasha, Ind. T., we beg and implore you to protect us against the horrible injustice of the omnibus bill.

We have a half million people in the Indian Territory, with all the resources that entitles us to statehood. We do not want Oklahoma to become a State without us. We are their equal in population, in taxable wealth, and in every other way.

Do you think it right to give Oklahoma the right to frame the organic law, organize the State government, and have all the advantages in the location of public institutions? No! a thousand times no! It is a palpable injustice to us. Can you afford to discriminate between an equally divided people?

What is nearer our hearts than our children, and 'tis a fact that they need schools and other advantages that can only come from single statehood.

If the omnibus bill passes—and we can hardly believe that the statesmanship of the United States Senate will consent to its perpetration—we are ruined, and implore you to scorn not the cry of the majority of the men, women, and children of the two Territories, for they know of our needs.

We want single statehood with Oklahoma, but rather than have the omnibus bill passed, we would prefer no legislation.

Thanking you in advance, and relying on your influence to protect us against the passage of the omnibus bill, we beg to remain,

Very respectfully,

Mrs. F. E. RIDDLE,
President of Sorosis.
Mrs. J. B. SPARKS,
Secretary of Sorosis.

The PRESIDENT pro tempore. The petition will lie on the table, the statehood bill being now the unfinished business.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn." approved March 2, 1901;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi; and

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, reported it without amendment.

Mr. BERRY. I move that the bill (S. 6808) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1482) granting an increase of pension to John A. Smith;

A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer;

A bill (H. R. 2675) granting an increase of pension to John M. Stanley; and

A bill (H. R. 13689) granting a pension to William W. Painter.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 5918) to amend section 1225 of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11544) to correct the military record of Thomas J. Morman, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6889) granting an increase of pension to Michael Rader;

A bill (H. R. 11199) granting a pension to Lewis Walton;

A bill (H. R 1377) granting an increase of pension to Bridget Agnes Tridel;

A bill (H. R. 14814) granting a pension to Herman J. Miller;

A bill (H. R. 14302) granting an increase of pension to Samuel Burrell;

A bill (H. R. 14303) granting an increase of pension to Robert H. Maricle; and

A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15400) granting an increase of pension to Enos Turner, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. BURROWS on the 29th ultimo providing for the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Mich., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 15694) granting a pension to Bessie Ledyard, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MCCOMAS on the 4th instant proposing to appropriate $30,000 for the purchase of the site at Curtis Creek, Md., now leased as a depot for the Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6407) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, reported it with an amendment, and submitted a report thereon.

Mr. MCCOMAS, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself on the 2d instant, relating to the claims of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States for labor performed in excess of eight hours per day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5453) creating a commission to inquire into the condition of the colored people of the United States, reported it with amendments.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate $200,000 for the construction of a steam revenue cutter of the first class for service on the coast of Maine, intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FOSTER of Washington, on the 29th ultimo, proposing to appropriate $15,000 for the construction of a light-house and fog-signal station on Burrows Island, Puget Sound, State of Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

JAMES L. ELMER.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6881) for the relief of James L. Elmer, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that James L. Elmer, late second lieutenant, Forty-third Infantry, United States Volunteers, and post commissary of subsistence at Tacloban, Leyte, Philippine Islands, shall be relieved from liability to the United States on account of moneys received by him as such post commissary of subsistence, and directs the proper accounting officers of the Treasury to close the accounts of James L. Elmer as post commissary, Forty-third Infantry, United States Volunteers. But the amount for which credit shall be given is not to exceed $1,235.59.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River, to report it favorably with a slight amendment, and I ask unanimous consent for its present consideration. The bill is approved by the War Department and there is no objection to it so far as I can see.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 3, line 4, after the word "War," to insert:

And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation.

The amendment was agreed to.

Mr. TELLER. I should like to know what committee the bill comes from.

The PRESIDENT pro tempore. The Committee on Commerce.

Mr. ELKINS. It is unanimously reported from the Committee on Commerce, and is agreed to by everybody.

Mr. TELLER. I wish some one would tell us what the bill is. I could not tell from the reading. In the first place, I could not hear back here.

Mr. ELKINS. I will say to the Senator from Colorado that it merely authorizes the construction of a bridge. Does the Senator want to have it read again?

Mr. TELLER. No; I do not want to have it read again, but I wish to have some one tell me something about the bill.

Mr. ELKINS. It is a bridge to be built at Pittsburg by the Pittsburg, Carnegie and Western Railroad Company. It is indorsed by the War Department and reported favorably from the Committee on Commerce, with a slight amendment suggested by the War Department. It is agreed to by the Senators from Pennsylvania. I have heard no objection whatever to the bill, and I know that there is none.

Mr. TELLER. It is a bridge in Pennsylvania?

Mr. ELKINS. It is a bridge over the Allegheny River.

Mr. QUAY. It is a bill, Mr. President, to authorize this railroad company, which is an important railway connection in western Pennsylvania, to construct a bridge over the Allegheny River. I introduced the bill a few days ago and it was reported favorably from the Committee on Commerce to-day, having been approved by the War Department, and the Senator from West Virginia kindly relieved me of the trouble of calling it up.

Mr. HALE. Scores of such bills have been passed.

Mr. ELKINS. Yes, sir. There is no objection to it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSETTA E. RAFFERTY.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosetta E. Rafferty, widow of William A. Rafferty, late colonel Fifth Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said William A. Rafferty until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE IRENE DONALDSON AND DAUGHTER.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson

and her daughter, Marie Irene Donaldson, to report it favorably without amendment. I call the attention of the Senator from Arkansas [Mr. JONES] to the matter.

Mr. JONES of Arkansas. I ask the unanimous consent of the Senate that the bill may be taken up at this time for consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the health officer of the District of Columbia to issue a permit for the interment in the District of Columbia of the remains of the late Marie Irene Donaldson and her daughter, Marie Irene Donaldson, formerly residents of the District of Columbia and citizens of the United States, now interred at Puerto Plata, Santo Domingo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. QUAY. Mr. President, I rose to say that I was about to object to the bill which has just passed, but at the request of the Senator from Arkansas I refrain; and that I will hereafter object to unanimous consent being given at this session of the Senate—that is, for to-day.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by the Senator from Nevada [Mr. STEWART] from the Committee on Indian Affairs, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I ask that the resolution may be read again. I did not gather the full scope of the proposed investigation.

The Secretary again read the resolution.

Mr. ALLISON. I ask that it may lie over for a day.

Mr. STEWART. I will state that the matter of settling the claim of the Ogden Land Company to the Seneca Indian Reservation, with a view to allotting the land in severalty, has been going on for many years. It has been before the Committee on Indian Affairs at the present session, and the committee came to the conclusion that it was necessary to go on the ground and take testimony there before it could be intelligently disposed of. We had several hearings, and the committee instructed me to offer this resolution so as to have the hearing on the ground after the adjournment of Congress.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. Is it not a fact that the title of the Ogden Land Company to the land in that reservation is now involved in a law suit pending in the Federal court in the State of New York?

Mr. STEWART. I wish it was, but I am afraid it is not. There is a suit pending, but I doubt whether they have service. The heirs of the Ogden Land Company are very numerous, and I doubt very much the feasibility of disposing of the title except by resorting to condemnation. I think that the title will have to be condemned.

Mr. SPOONER. Was not a suit filed in equity to quiet the title?

Mr. STEWART. The title of the Ogden Land Company, but it is uncertain that they are all there. There are many of the heirs, and I think it very doubtful whether they will be able to get service so as to conclude the trial.

This is not a very desirable service, and if the Senate do not think it better that the committee should enter upon the investigation I shall not insist upon it. The committee, after investigation, instructed me to report the resolution.

Mr. ALLISON. I do not know the details of the proposed settlement with the Ogden Land Company; but I know the committee of which I am chairman had occasion to examine the question some years ago, and were very thoroughly impressed with the fact that they had no claim at all. However, it may be that they have a claim in equity.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Objection being made, the resolution has gone to the Calendar.

Mr. TELLER. I wish to say a word about it.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. TELLER. I have had some occasion to look up the Ogden Land Company title, and I agree with the Senator from Iowa that they have not any title. If the case is now in the court, where there can be some kind of a consideration given to it, it seems to me that that is the best place to leave it.

Mr. STEWART. I will state to the Senator from Colorado that the committee will not undertake to dispose of it. The committee never will undertake to pass upon that title. The only thing the committee will consider is the best mode of having the courts determine it, how it shall be determined, and how to get service. The committee will not undertake to determine the title. The title is against the present policy of the Government, as I understand it. It was, as I understand the general history, a grant made by the colonial government to Massachusetts, and Massachusetts transferred it to New York, and New York to a company; and originally it was simply the right of purchase when the land came into market, or when the Indian title was extinguished.

The Government of the United States would never allow them to avail themselves of that privilege, because it required legislation to put them in a position where they could avail themselves of it. The United States must break up their tribal relations or allow them to dispose of the land. The Indians can not dispose of it, and nothing will be done until there is some action on the part of the United States. But the people in that section are very anxious that the tribal relations shall be broken up and the land allotted, as is the policy of the Government in other cases.

This case was excluded from the Dawes Commission Act on the suggestion of Mr. Dawes that it involved this Ogden claim, which made it an exception to the case of the lands of the Five Tribes and others, or it would have been settled then. In order that the lands may be divided and held in severalty and that the tribal relation may be broken up in New York, which appears to be desirable everywhere, it is necessary first to take no chances on the Ogden land claim. It must either be settled by this suit or out of some suit brought directly to acquire title, or by condemnation on the part of the United States. I think that if the title is in the way of the policy of the United States to dissolve the tribal relation and allot the land the United States should remove it by condemnation.

Mr. HALE. There is one point which I wish the Senator to explain. It seems that this matter is now in the courts, who are considering the whole subject. The Senator says that the committee does not propose to settle the title or to take upon itself that jurisdiction, but that it ought to look and see that the courts conduct it in a proper way, as the process goes on, probably. Now, is there any infirmity in the proceedings which have been instituted in the courts, and do the courts need any instruction and direction from the Committee on Indian Affairs as to the conduct of the suit?

Mr. STEWART. I am afraid there is.

Mr. HALE. Then we may as well understand it.

Mr. STEWART. I am afraid there is. I am afraid they have not got service.

Mr. HALE. Is not that a matter for the courts? Should Congress send a committee to look into processes that are going on in the courts and take charge of the question whether proper service has been made?

Mr. STEWART. That is not all that the committee will go there for.

Mr. JONES of Arkansas. Will the Senator allow me a moment?

Mr. STEWART. Certainly.

Mr. JONES of Arkansas. I think I may possibly be mistaken. I am a member of the Committee on Indian Affairs, and I was present when the original resolution was adopted. I understood the resolution to be one directing the chairman to ask permission of the Senate that the Committee on Indian Affairs might by a committee or a subcommittee investigate the condition of the Seneca Nation.

Mr. STEWART. Yes.

Mr. JONES of Arkansas. I did not understand it to have anything to do with the law suit about the Ogden Land Company's claim. I believe, with the Senator from Iowa, that there is no shadow of justice in the Ogden Land Company's claim. I do not believe that there is anything of it, and I had no idea that there was any proposition made that the committee should be directed to investigate the Ogden Land Company's claim to find out the condition of the suit. I understand that the matter is pending in the court.

Mr. HALE. That is made the subject of the resolution in terms.

Mr. JONES of Arkansas. I was very much mistaken about the action of the committee, if that is what the committee ordered. I rather think that the chairman misunderstood the resolution adopted by the committee.

Mr. HALE. The resolution had better lie over anyway.

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent.

Mr. STEWART. The debate can proceed further by unanimous consent.

Mr. HOAR. I should like to have unanimous consent to ask a question not on this particular point, but a question the answer to which I think will interest all Senators. I wish the chairman of the Committee on Rules or the Senator from Iowa, the chairman of the Committee on Appropriations, would answer it.

A good many Senators will go out of office on the 4th of March, and some Senators who will go out on the 4th of March have been reelected and will take office again. All the committees of the Senate terminate with the Congress, I believe.

Mr. ALLISON. I will say to the Senator from Massachusetts that where we have not had an extra session of Congress following the adjournment of the preceding Congress it has been the custom to continue the committees of the preceding session, and that undoubtedly will be done.

Mr. HOAR. Yes, to continue the committees. Now, when a committee is charged with a duty like that proposed here, what happens in relation to Senators whose terms expire with the Congress? The Senators who go out and are not reelected cease their functions, and so far there are vacancies on the committee; but what happens in relation to Senators like the Senator from Connecticut [Mr. PLATT], who will be serving under a reelection, not under the old one? Can the Senator from Connecticut sit on this committee under this resolution? He is a member of the Committee on Indian Affairs. He has not been appointed after his election.

Mr. ALLISON. I do not know just how that will be.

Mr. HOAR. I think we ought to settle that question some time. We are going to have a swarm of these resolutions for appointing committees to do various things in the vacation. Somebody ought to know about it and be able to tell us. Now, the Senator from Connecticut has had some considerable experience with this Seneca Indian Reservation matter.

Mr. STEWART. If the Senator will allow me, the committee would not go there unless the Senator from Connecticut was with the committee.

Mr. HOAR. I should not myself like to have it do so.

Mr. STEWART. I should not like to have it.

Mr. HOAR. I feel a little hereditary interest in the Seneca Indian matter, because of one of my earliest memories. When I was a boy 10 or 15 years old my father was appointed by the governor of Massachusetts to preserve some control over this matter of the title which the Indians had in the land; as a commissioner to look after some attempt to get away the land of the Seneca Indians by a person who was then coveting them, and the Commonwealth of Massachusetts thought he saved the Indians at that time from a great wrong. I felt a little hereditary interest on that account, though knowing little about this present matter. I should like very much to have the Senators who have been somewhat familiar with this subject, like the Senator from Connecticut, on the committee, if they are to investigate it; and that is the point of my question.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DILLINGHAM on June 24, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

MARTHA WINTER HADDOCK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TALIAFERRO on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Martha Winter Haddock, widow of Joseph N. Haddock, late a messenger in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ALEXANDER G. PENDLETON, JR.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6680) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy, to report it favorably without amendment and submit a report thereon. I will state in reporting this bill that it is for the purpose of restoring a cadet to the Military Academy who was dismissed under the charge of hazing, but the evidence and the report we submit do not substantiate that, and the young man, under the advice of counsel, pleaded guilty, not knowing what he was doing. I will just read the following from the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
December 17, 1902.

Respectfully returned to the Secretary of War.

Alexander G. Pendleton, jr., was admitted into the United States Military Academy August 30, 1899, as cadet from the Territory of Arizona, and dismissed August 9, 1902, by sentence of general court-martial promulgated in General Orders, No. 90, Headquarters of the Army, Adjutant-General's Office, August 6, 1902, copy herewith.

Attention is invited to the memorandum of the Secretary of War, dated the 11th instant, and its accompanying papers, also herewith.

W. P. HALL, *Acting Adjutant-General.*

In this connection, and as Cadet Pendleton makes the contention, in his printed statement, that he was properly on duty in new Cadet Davenport's tent at the time the offense was committed, I beg to invite attention to the copy of a report from the Superintendent of the Military Academy, submitted herewith.

Very respectfully,
H. C. CORBIN,
Adjutant-General, Major-General, United States Army.

Mr. President, I think it would be very agreeable to the committee to have this bill acted on. I understand that if the young man is reinstated he can probably graduate with his class this year. I do not want to take the time of the Senate by reading the report or asking that the report which was submitted by the House Committee on Military Affairs be read.

The PRESIDENT pro tempore. The Senator from West Virginia asks for the present consideration of the bill reported favorably by him from the Committee on Military Affairs.

Mr. QUAY. I object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the Calendar.

SENATE MANUAL.

Mr. SPOONER. I am authorized by the Committee on Rules to report the orders which I send to the desk; and I ask unanimous consent that they may be considered at this time.

The PRESIDENT pro tempore. The Senator from Wisconsin, from the Committee on Rules, reports an order for which he asks present consideration. The order will be read.

The Secretary read as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 1,500 copies of the same for the use of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the order?

Mr. HOAR. Is that all that relates to that matter?

The PRESIDENT pro tempore. There is another order reported at the same time by the Senator from Wisconsin.

Mr. HOAR. Let it be read for information.

The PRESIDENT pro tempore. It will be read for information.

The Secretary read as follows:

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with the rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

Mr. HOAR. I should like to move an amendment to the first resolution by adding:

And that the committee be authorized, in its discretion, to add such portions of the treaties of the United States acquiring territory as it may deem advisable.

The purpose of the amendment is that, for instance, the treaty acquiring territory from Mexico and the treaty acquiring the Louisiana territory, which to some extent were considered binding as to the disposition of the territory, be inserted in the Manual in a brief form. We have the Ordinance of 1787 and some other like information in the Manual, and I suppose the matter which I suggest can be condensed into a page or two. I have not made it imperative, but have left it to the discretion of the committee itself.

Mr. SPOONER. I have no objection to the amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the first order reported by the Senator from Wisconsin, which will be again read?

The Secretary read the order, as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 1,500 copies of the same for the use of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be stated.

The SECRETARY. It is proposed to add to the order the following:

And that the committee be authorized, in its discretion, to add such portions of the treaties of the United States acquiring territory as it may deem advisable.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I do not want to interfere with the proposition of the Committee on Rules, but it seems to me there ought to be a larger number of copies of the Manual printed. There is a very large demand for it. It is a very useful work, and it is full of very important and valuable information.

Mr. SPOONER. I will say to my friend from Minnesota that we publish an edition of the Manual every two years by authority of Congress.

Mr. CLAPP. I know that.

Mr. SPOONER. I do not know that it would be wise to print a very much larger number.

Mr. CLAPP. Just at present I have a great many demands for the Manual, which can not be supplied.

Mr. SPOONER. So have we all.

Mr. CLAPP. It seems to me that it is a work of such value to the public that it would be wise to print a larger edition. I do not see why we should not print more than the number proposed. However, I will not press an amendment against the wishes of the chairman of the committee.

Mr. SPOONER. I have no objection to printing a larger number if it is desired.

Mr. BEVERIDGE. How many are proposed to be ordered?

Mr. SPOONER. One thousand and five hundred copies.

Mr. TELLER. I suggest that the number be made 2,500, and I will move an amendment to that effect. It will cost but a trifle more.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. After the word "printed" it is proposed to strike out "1,500" and insert "2,500."

The amendment was agreed to.

The order as amended was agreed to.

Mr. SPOONER. I now ask for the consideration of the second order reported by me.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with the rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

The order was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. TELLER introduced a bill (S. 7257) for the relief of David H. Moffat; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7258) granting a pension to Eliza Lewis (with the accompanying paper);

A bill (S. 7259) granting a pension to Samuel Richards (with the accompanying papers); and

A bill (S. 7260) granting a pension to Henry King (with the accompanying paper).

Mr. FAIRBANKS introduced a bill (S. 7261) granting an increase of pension to Thomas E. Gandy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7262) granting an increase of pension to John W. F. Jansen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7263) to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DUBOIS (for Mr. HEITFELD) introduced a bill (S. 7264) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Colville Indians in the State of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PENROSE introduced a bill (S. 7265) relative to the port of Chester, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7266) to authorize the Secretary of the Treasury to adjust the accounts of the Grand Rapids and Indiana Railway Company for transporting the United States mails; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7267) to grant an honorable discharge from the military service to Robert Hipple; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7268) for the relief of William H. Crawford; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7269) granting a pension to Julia A. Roberts;

A bill (S. 7270) granting an increase of pension to Ella M. Ewing; and

A bill (S. 7271) granting an increase of pension to Daniel Nagle.

Mr. PERKINS introduced a bill (S. 7272) to correct the record of Henry Lippincott, assistant surgeon-general, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7273) to provide an American register for the British ship Pyrenees; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 7274) to remove the charge of desertion from the military record of Thomas Watts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 7275) granting a pension to Mary A. Sands; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7276) for the relief of the Western Branch Baptist Church, Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 7277) granting an increase of pension to Elbert H. Dagnall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 7278) for the further prevention of the spread of communicable diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a joint resolution (S. R. 163) to preserve and enforce the act approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;" which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HANSBROUGH introduced a joint resolution (S. R. 164) proposing an amendment to the Constitution of the United States prohibiting bigamy and polygamy; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PATTERSON submitted an amendment proposing to appropriate $500 to enable the Secretary of the Interior to enter into negotiations with the Weeminuchi Ute tribe of Indians for the relinquishment of their title to the United States to the tract of land known as the "Mesa Verde," in the county of Montezuma, Colo., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the payment, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, of $220,698.75 to the representative of said Choctaw Nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate $5,177.90 to pay Henry W. Spray for care, education, and support of Indian children in the Indian school at Cherokee, N. C., from July 1 to December 31, 1892, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $5,000 for grading and improving Chesapeake street along the southern boundary of Reno subdivision, from Wisconsin avenue to Grant road, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for paving with asphalt Seventh street NW., from G street to K street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $6,000 for bringing home the remains of Americans employed as teachers in the Philippines, also of civil employees of the Army who die abroad and soldiers who die on transports, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment proposing to appropriate $120,958.39 to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., etc.,

intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. MORGAN. I offer a resolution, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department, with naval or other officers of the United States, on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the region between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia, or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region, or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.

Mr. HALE. Let that resolution lie over a day, Mr. President.

The PRESIDENT pro tempore. The resolution will go over under the rule.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, known as the Rawlins resolution.

Mr. MCCUMBER. I ask unanimous consent that the resolution be laid aside for the present, so that I may ask the Senate to proceed to the consideration of House bill 3109 until the hour of 2 o'clock.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the resolution go over, retaining its place on the table. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED PURE-FOOD LEGISLATION.

Mr. MCCUMBER. I now ask unanimous consent for the consideration, until the hour of 2 o'clock, of the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. DUBOIS. I was requested by the Senator from Arkansas [Mr. JONES] to object to the consideration of the bill if he were not in the Chamber when its consideration was requested, and I agreed to do so. In pursuance to that request, I am compelled to object.

Mr. MCCUMBER. Notwithstanding the objection, I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota [Mr. MCCUMBER] to proceed to the consideration of the bill notwithstanding the objection. [Putting the question.] By the sound the "ayes" have it.

Mr. STEWART. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. I ask that the title of the bill may be stated from the desk.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not seeing him in the Chamber, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Washington (after having voted in the affirmative). I have a general pair with the Senator from Mississippi [Mr. MCLAURIN], who, I am informed, is absent. So I withhold my vote.

Mr. CLAY (after having voted in the affirmative). I desire to inquire of the Chair if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLAY. Then I withdraw my vote, as I am paired with that Senator.

Mr. CLAPP (after having voted in the affirmative). I have a pair with the junior Senator from North Carolina [Mr. SIMMONS]. He not being present, I withdraw my vote.

The result was announced—yeas 40, nays 18; as follows:

YEAS—40.

Alger,	Dietrich,	Harris,	Patterson,
Allison,	Dillingham,	Hoar,	Penrose,
Bacon,	Dryden,	Kean,	Perkins,
Beveridge,	Fairbanks,	Kearns,	Pritchard,
Burnham,	Foraker,	Kittredge,	Proctor,
Burton,	Frye,	McComas,	Quay,
Clark, Mont.	Gamble,	McCumber,	Scott,
Clark, Wyo.	Gibson,	McLaurin, S. C.	Simon,
Deboe,	Hanna,	Mason,	Wellington,
Depew,	Hansbrough,	Millard,	Wetmore.

NAYS—18.

Bate,	Elkins,	Morgan,	Taliaferro,
Blackburn,	Gallinger,	Pettus,	Teller,
Carmack,	Jones, Ark.	Platt, Conn.	Tillman.
Cockrell,	Mallory,	Spooner,	
Cullom,	Martin,	Stewart,	

NOT VOTING—30.

Aldrich,	Daniel,	Jones, Nev.	Quarles,
Bailey,	Dolliver,	Lodge,	Rawlins,
Bard,	Dubois,	McEnery,	Simmons,
Berry,	Foster, La.	McLaurin, Miss.	Turner,
Burrows,	Foster, Wash.	Mitchell,	Vest,
Clapp,	Hale,	Money,	Warren.
Clay,	Hawley,	Nelson,	
Culberson,	Heitfeld,	Platt, N. Y.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Manufactures with an amendment, to strike out all after the enacting clause and insert a substitute.

The PRESIDENT pro tempore. The amendment reported by the committee proposes to strike out all after the enacting clause and insert a substitute. If there be no objection, the Chair will instruct the Secretary to read the part proposed to be inserted without reading that proposed to be stricken out. Is there objection?

Mr. JONES of Arkansas. I rather think the entire bill ought to be read, Mr. President. I think Senators are not familiar with the provisions of the bill.

The PRESIDENT pro tempore. A single objection will require its reading. The Senator from Arkansas objects, and the bill will be read in full.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment reported by the Committee on Manufactures in the nature of a substitute will now be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following:

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and for each subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That the chief of the Bureau of Chemistry in the Department of Agriculture shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst under oath.

SEC. 3. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 4. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal

and external use. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 5. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser,

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contains any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "dinstinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, and providing further, always, that said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 6. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession.

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 8. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 9. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

Mr. JONES of Arkansas. The committee has made a report upon this matter; and while the reading of the bill satisfies me that the Senate proposition is a very great improvement on the House bill, I think the report ought to be read for the information of the Senate before action is taken on the bill.

Mr. FORAKER. I want to offer an amendment to the amendment, to which there is no objection, I understand, and I should like to do it now and have it agreed to.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment in the nature of a substitute reported by the Committee on Manufactures.

Mr. JONES of Arkansas. I am perfectly willing that the amendment should be offered and be pending.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment which will be read and lie upon the table until the pending amendment is disposed of.

Mr. FORAKER. I offer an amendment to the amendment, to add at the end of line 22 on page 21 the following:

Provided further, That nothing in this act shall be held to apply to substances or materials manufactured and sold exclusively for use in the arts and industries, but only when manufactured or sold as drugs or medicines.

The PRESIDING OFFICER. Does the Senator wish to have his amendment considered at this time? As an amendment to the amendment it is in order.

Mr. PLATT of Connecticut. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It proposes to add at the end of the amendment the following:

Provided further, That nothing in this act shall be held to apply to substances or materials manufactured and sold exclusively for use in the arts and industries, but only when manufactured and sold as drugs or medicines.

Mr. LODGE. Is that an amendment?

The PRESIDING OFFICER. It is an amendment to the amendment.

Mr. LODGE. Offered by the committee?

The PRESIDING OFFICER. No, by the Senator from Ohio [Mr. FORAKER]. The question is on agreeing to the amendment to the amendment.

Mr. McCUMBER. Mr. President, I understand this amendment is one which affects simply drugs. The amendment is an addition to the definition of what constitutes drugs and what are adulterated articles of drugs. Is that correct?

Mr. FORAKER. Yes.

Mr. McCUMBER. We have had considerable correspondence on matters of that kind. I will say most frankly to the Senator from Ohio that this bill, as it passed the House, and the substitute recommended here, are worded so that the amendment will not be necessary, because drugs are defined as only those articles which are used in the treatment of diseases, either external or internal. Therefore any material when used for any other purpose would not come under the definition of drugs. But inasmuch as there seems to be a misunderstanding on the part of some dealers in turpentine and otherwise as to whether this bill would affect them, the committee, I am certain, would have no objection to this amendment to make it doubly clear.

Mr. FORAKER. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES of Arkansas. I think the report ought to be read now.

The PRESIDING OFFICER. The reading of the report is called for by the senior Senator from Arkansas.

Mr. McCUMBER. I should like to ask the Senator from Arkansas if he has any objection to my making a brief statement

before the report is read, or would he prefer to have the report read first?

Mr. JONES of Arkansas. I am perfectly willing that either course shall be pursued. If the Senator from North Dakota prefers to go on with his statement now, I am perfectly willing to have him do so, with the understanding that the report will be subsequently read. If the Senator goes on with his statement now, I hope he will point out specifically to the Senate the differences between the House proposition and the Senate proposition, as I think they ought to come out very distinctly and to be understood by the Senate.

Mr. McCUMBER. My reason for making the request was that I might do so; and in the very short time between now and 2 o'clock I would ask permission to make the statement and to answer any questions concerning it. I would rather take it up before the report is read.

Mr. President, for more than fifteen years societies interested in laws preventing the adulteration of food and drug products have made most strenuous efforts in both the Senate and the House to secure proper legislation. A bill has passed the House for the first time, I believe, which has embodied in it the recommendations of the Congress of Pure Foods and Drugs, and which, I believe, meets with the approbation of both the wholesale and retail trade of the country.

Mr. President, I have already made two quite lengthy addresses upon the general subject of pure-food legislation, and I desire at this time only to explain the difference between the bill as it passed the House and the bill which has been recommended as a substitute by the Committee on Manufactures.

I especially call the attention of the Senator from Arkansas to the principal difference. If you will take the bill which passed the House and give your attention to section 1 and section 7, you will find two important features which have been eliminated entirely from the Senate bill. In other words, the bill is practically the same with section 1 and section 7 eliminated. The bill which passed the House the other day not only defined adulterations and misbrandings and prohibited interstate commerce in that character of goods, but it provided for and organized a bureau of chemistry in the Department of Agriculture, which was to assist the Secretary of Agriculture in establishing food standards.

Section 7 made it the duty of the Secretary of Agriculture to establish what were practically food standards, and to assist him in making proper standards it was provided that he should call to his assistance the director of the bureau of chemistry, the chairman of the committee on food standards of the association of official agricultural chemists, also five physicians to be appointed by the President from the Army and Navy and Marine-Hospital Service, and in addition five persons expert in hygiene, physiological chemistry, in commerce, and in manufactures. It provided that when these standards were fixed they might be read in evidence, that they should not be conclusive as to the question of adulteration but they might be read as some evidence in relation thereto.

Now, I wish to say here that all of that has been stricken out entirely. What does the bill then provide? It simply, first, defines what are adulterations and what are misbrandings. It practically adopts the same definitions that were contained in the bill which passed the House. But they have been rearranged so that those articles adulterated would more properly fall under a definition that would correspond with the name adulteration and the same in reference to misbranding. So it provides simply for the prohibition of interstate commerce in adulterated articles and in misbranded articles, and beyond interstate commerce it does not go one inch. It stops the moment that the goods become mixed with the general goods of the State. So it does not interfere in any possible way with State power, or police regulation.

The only thing that is required of the Secretary of Agriculture or the Department of Agriculture is that it imposes upon that Department the duty of assisting in ascertaining the adulterations and misbrandings that are going on in the country, and requires him to report to the proper officers. The Agricultural Department is already performing this identical work. It is making these investigations continually in the same manner that is provided in this bill. So it adds in no respect to the duties of the Secretary of Agriculture.

The Senator from Arkansas [Mr. JONES] made quite serious objections to that feature of the bill which was reported in the Senate at the last session, which provided for the fixing of these standards, and also which provided for the duties of the Secretary of Agriculture in ascertaining the adulterations and misbrandings that were going on in the country; and yet at the same time I desire to call the Senator's attention to the fact that he voted for practically the same thing in the agricultural appropriation bill, and from the fact that it is in that bill as it now stands it is unnecessary to be replaced in this bill. But of course that is of simply annual occurrence, and the appropriation goes no further than that.

Mr. President, I have found no objection from any source whatever to the bill as it now stands. The amount of correspondence that the committee is receiving daily upon this subject is simply enormous, and everything is in favor of the bill as reported by the Senate Committee on Commerce. It goes into no question that is not fully and clearly understood. It deals simply with the prohibitions and the necessary steps to carry into effect the prohibitions against interstate commerce in adulterated articles.

Is there any Senator in this body who objects to that legislation? If so, what is the ground of his objection? I should like to have those who oppose this measure come out, so that we may meet them and understand the force of their objections.

The bill also prohibits the interstate commerce in misbranding, in false or lying articles. It compels every such article to unmask before it crosses any State line. Now, what man can reasonably object to that character of legislation?

I desire to call attention to the fact that the bill does not prohibit any man from dealing in adulterated articles if he desires to do so. It simply compels him to brand those articles exactly as they are. We have passed the same kind of legislation time and again in reference to specific articles. For instance, at the last session we passed a bill here without any objection whatever which compelled the manufacturers of cheese to mark the State in which it was manufactured, or to prohibit them from using the name of any other State in the sale of it. No Senator objected to that. We have passed the necessary legislation in reference to filled cheese. We are having similar legislation in reference to our meats which are being exported abroad. So there can be no objection to this bill. The Secretary of Agriculture has given it most careful consideration and it has his most earnest support, and certainly no one can believe that he has not had at all times the interest of the American people at stake.

Mr. President, by whom is this measure antagonized? The only antagonism that has been manifested in the slightest degree has been by those associations that desire to have some other bill brought forward, almost the same, but providing practically for a new set of officers, and the committee thought that that was unnecessary at the present time. The committee also feel that we have not yet reached that stage in science so that it would be safe for the Department of Agriculture, even with the best assistance, to determine what are food standards and compel every manufacturer of food to measure up to those particular standards.

The manufacturers of the country are strongly in favor of this bill, simply for reasons which they have explained time and again. May I not state the reasons now in an extract from a letter? I will ask that all these letters pertaining to the same subject be printed in the RECORD. There are few, very few, of them. I will quote one from East St. Louis, Ill.:

EAST ST. LOUIS, ILL., *December 2, 1902.*

Senator PORTER J. McCUMBER,
Washington, D. C.

DEAR SIR: Appreciating the fact that owing largely to your great vigilance, ability, and industry the sentiment against swindling methods in relation to the manufacture and marketing of human food is farther along and nearer taking the form of law than ever before, we again respectfully venture to trespass on your valuable time, and would submit as follows:

At present, under the system of each State having a different law and requiring goods to be labeled in a certain prescribed manner peculiar to that State and regardless of the requirements of others and adjoining States, the manufacturer is at a loss to know just how to label his goods, and is submitted to endless annoyance and inconvenience in the conducting of his legitimate business, without the slightest benefit accruing to the consumer, in whose interest these laws are supposed to exist.

When the General Government adopts a law, however, the different States will very soon drop in line, bringing system and order out of existing confusion, and establishing rulings which will hold good universally and be of untold benefit to the honest manufacturer and his customers, amply protecting the latter and not hampering the former with a lot of puzzling, vexatious, and oftentimes unjust regulations.

No law will be just right from the start or please everybody, so that whatever is done is not final for all time; it may and probably will be changed and improved thereby, or even repeal is possible if found desirable. The Hepburn bill in the House and the McCumber bill in the Senate represent the crystallization of fourteen years of effort on the part of those who really and earnestly desire a bona fide pure-food law as against those make-believes, who discuss and discuss to a frazzle and muddy the waters simply that nothing at all may be done to interfere with the sales of their spurious counterfeit goods. Misbranding, substitution, and adulteration has become such a science that it is high time the strong arm of the National Government was raised against them and that those who manufacture and sell pure, wholesome, reliable goods should not have their business ruined and discredit brought on legitimate enterprises by unscrupulous substitutors and adulterators.

At each previous session of the Congress the pure-food forces have practically had to begin at the bottom again, but now, thanks in a large measure to you, we believe the time is now ripe for action, and would earnestly urge you to keep up the good work and strike while the iron is hot.

Respectfully, yours,

J. C. GRANT CHEMICAL CO.
CHAS. ROGER, *Manager.*

Here are a few more:

CLEVELAND, OHIO, *December 17, 1902.*

Senator PORTER J. McCUMBER, *Washington, D. C.*

DEAR SIR: As there seems to be a possibility of passing a national pure-food bill during the coming short session of Congress, and as the measure you

advocate in pure-food matters we consider the most perfect so far advocated, we respectfully call your kind attention to our former letter to you under date June 23, which pretty well covers our position in this matter. This letter was published in CONGRESSIONAL RECORD of June 25, and in addition to facts set forth in said letter, we desire to add that we desire national pure-food legislation on account—

First. The multiplicity of State laws, each differing in some slight degree, makes national pure-food legislation necessary.

Second. Each pure-food department in operation under State laws makes its own rulings and interpretations in relation to the law under which it operates. These laws are diverse and interfere with interstate commerce.

Third. State rulings have the effect of law, although they have no warrant or authority in law, because it takes a court of decision to declare the rulings invalid, and few manufacturers desire to make a test case and pay all the expenses in order to secure such legislation.

Fourth. If a national pure-food law is passed, State laws and State rulings will be so amended as to conform to the national law.

Fifth. From our experience and acquaintance with the trade generally, there seems to be a demand not only from the people, but from all honest manufacturers who manufacture honest goods, for a just pure-food law, as well as a relief to the manufacturers from the trying conditions which now prevail, and we see a relief in a national law, and then we, as before said, feel all States will conform to said law.

We appreciate the interest you have taken in national pure-food measures, and trust that a good and acceptable law will be enacted during this short session.

Very respectfully,

E. SCHNEIDER & CO.,
Per E. S.

BALTIMORE, MD., *December 16, 1902.*

Senator PORTER J. MCCUMBER, *Washington, D. C.*

DEAR SIR: We, as manufacturers of baking powders, extracts, and other grocers' specialties, are very anxious to have some pure-food law passed; we want a national one; we have too many State laws now. Every State we sell in has a different law, and we have a great deal of trouble to conform to them all.

In our opinion, the trade that we are selling to are asking for such a bill as the one that you are advocating, as they do not know how they stand when they try to conform to the different State laws, while if a national law is passed all this trouble will be overcome, as the different States will amend their laws to conform to the national law.

We trust that you will be successful in getting your law passed. We believe same is on the Senate Calendar, and we hope you will get same passed in this session.

Thanking you for your courtesy in this matter, we remain,

Yours, truly,

C. READ & CO.

STATE COLLEGE, CENTER COUNTY, PA., *November 29, 1902.*

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: Permit me to express the appreciation of the National Pure Food and Drug Congress for your vigorous efforts, as chairman of the Senate Committee on Manufactures, toward the enactment of the pure-food bill indorsed by us. We hope that the coming session may witness no diminution of your interest and effort in its behalf. We feel that though many important measures will arise for the consideration of the National Legislature, there is none which can transcend the pure-food measure in fundamental importance as affecting directly the physical, moral, and ultimate financial welfare of the people. We hope that the greed of the few may henceforth be estopped from preying upon the property and health of the many. I venture to predict that in future years you will look back upon success in the enactment of this measure with more unalloyed satisfaction than upon most of your legislative acts, because of the demonstration of its broad, good effects.

Very respectfully,

WM. FREAR,
Acting Chairman Executive Committee,
National Pure Food and Drug Congress.

CINCINNATI, *December 17, 1902.*

Senator PORTER J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: I trust you will pardon me for again calling your attention to pure-food legislation. It is such an important matter to the great manufacturing interests of the country, as well as to the consumers, that Congress should not delay action any longer.

Among the several States that have food laws there are no two alike, and there is not room enough on my goods to put enough reading matter to comply with such laws. For instance, I ship goods to points up and down the Mississippi River. These goods first go into the jobbers' hands and are distributed by them, and at a good many points I must comply with no less than four State laws, which are all different, and complying with one does not comply with another. Hence you can readily see how hard it is to do business under such a multiplicity of State laws and rulings. Each pure-food department in such several States makes its own rulings, no two of which are alike, and makes it difficult to do interstate business. If the McCumber bill should become a law, all States would probably so amend their laws to conform to the national law and save us all this trouble and worry.

In Illinois there is only a ruling by the State commissioner, which probably would have no standing in the court, but no one can sell goods in that State without complying with such ruling, because the retailer will not handle such, as he is afraid of prosecution, and, absurd as it may seem, the manufacturer can not do business in such States without complying with such rulings.

I trust that you may see your way clear to pass your bill this session of the Congress, and thus relieve us of such annoyances as now exist.

Very respectfully,

A. J. PARLIN.

TERRE HAUTE, IND., *December 17, 1902.*

Senator PORTER J. MCCUMBER,
Washington, D. C.

DEAR SIR: You would do us, and we believe the people in general, a very great favor if by your influence it would be possible to induce Congress to pass a national pure-food law. Under the present conditions it is very annoying to the merchants in general, especially those who transact business in more than one State. We feel it more, possibly, than some firms in our line, as our city is situated almost on the boundary line between Indiana and Illinois, and our business is almost equally divided between the two States.

Yours truly,

HULMAN & CO.

These are only a few out of thousands of letters of the same character. They show the desire of the manufacturers of the country to have a pure-food bill. I have already expressed in a debate upon this subject reasons why the State laws should be supplemented by a national law, which I will not go over again in the few minutes left at my disposal.

I wish to call attention to a few matters showing why the druggists and physicians of the country are earnestly in favor of a bill of this kind. I desire to call attention to a few facts in the hearing that was had before us the other day. Dr. Parmele, in speaking on this subject, said:

While the retail druggist occasionally might be able to make extemporaneous substitutions, they would represent but a very small percentage of what is done. They must have the cooperation of the dishonest manufacturer.

Here, again, he calls attention to one fact. He is a man eminent in his profession. He said:

I might call attention to one personal experience. This does not prove everything, however, because if it did I would have to go out of business.

I got 12 prescriptions written by Prof. Frank Lydston, of Chicago; sent them to 12 different drug stores, and the whole 12 were substitutes. That would not give me any chance to live; that percentage would not hold true all the time, of course; otherwise I would have no business.

Again, here is a clipping from the Philadelphia Medical Journal which is worthy of serious consideration. This clipping reads as follows:

The surgeons of the New Orleans Eye, Ear, Nose, and Throat Hospital have noted the great number of patients entering the institution from the country around New Orleans suffering from partial or total blindness.

An investigation has disclosed the fact that a cheap antiseptic containing a large amount of wood alcohol has been used throughout Louisiana. The city chemist found as much as 30 per cent of methyl alcohol in some of these specimens, rendering them totally unfit for internal administration. As methyl alcohol, when taken internally, acts directly on the optic nerve, the majority of the persons affected will not fully recover their eyesight.

Now, Mr. President, I suggest this simply as one of the reasons why doctors, why manufacturers, why druggists and all other persons favor this bill. I have taken up the time nearly until 2 o'clock, and I wish to give notice at this time that to-morrow after the close of the routine morning business I will ask again that the bill be taken up for consideration.

As a minute or so remain before the expiration of the morning hour, if the Senator from Arkansas has any questions in reference to this measure that I have not made clear, I shall be very glad to respond.

Mr. JONES of Arkansas. The time is too short to begin an analysis or discussion of the bill, and I do not care to ask any questions now.

Mr. GALLINGER. Mr. President, I should like to suggest to the Senator that I wish before this bill is taken up again that he examine the closing words in section 9:

Except wherein such legislation conflicts with the provisions herein.

I will say to the Senator that we have been laboring here for a great many years to get satisfactory laws on the statute book upon this and allied subjects for the District of Columbia——

Mr. MCCUMBER. I will state to the Senator right here that I have most thoroughly examined that, and also the correspondence by the District officers. They seem to think that the bill is in conflict with some of the provisions of the laws of the District of Columbia, but it is not so. I can not find that it conflicts in any way. It simply prohibits the sale of an adulterated article and a misbranded article in the District of Columbia, and there is no law of the District of Columbia which allows that to be done. It does not interfere in any other respect.

Mr. GALLINGER. I regret the Senator did not allow me to conclude my sentence. I have quite forgotten where I left off, but I will simply say that if it does not conflict, then there is no need of placing it in this law. I, however, will call attention to that later on.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 6461) providing for an additional district judge in the district of Minnesota.

STATEHOOD BILL.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. I understood my friend the Senator from North Dakota [Mr. MCCUMBER] to give notice that on to-morrow at the conclusion of the routine morning business he would ask the Senate to proceed again to the consideration of the bill which has just passed from the consideration of the Senate.

Mr. ALDRICH. I did not understand him to make that statement.

Mr. QUAY. I understood him to make it.

Mr. MCCUMBER. Yes; the same bill.

Mr. QUAY. I do not wish to be at all discourteous to my friend from North Dakota, with whose views in relation to the proposed legislation I sympathize absolutely, but I wish to say to him that the condition of affairs in connection with the statehood bill to-morrow may be such that I shall be compelled to antagonize his suggestion.

Mr. MCCUMBER. I wish to say to the Senator from Pennsylvania, Mr. President, that so far there has been practically no discussion of the statehood bill before 2 o'clock. If matters continue as they have continued in the past the chances are that there will be little more done upon that bill between 1 and 2 o'clock to-morrow than there has been done in the past. I can see no reason why we can not occupy the attention of the Senate to-morrow morning for a half or three-quarters of an hour without injuring the status of the statehood bill in any way.

Mr. QUAY. That will depend upon conditions. It is very evident to my mind, Mr. President, that if we are to reach a conclusion upon the statehood bill more time will be required in its discussion than is allotted under the regular order, as now suggested, for which I now call.

Mr. ALDRICH. I do not understand that any unanimous consent has been asked or given in regard to the consideration of the pure-food bill, so called.

The PRESIDENT pro tempore. It was only a notice.

Mr. ALDRICH. I suggest to the Senator from North Dakota that before the bill comes up again, as a matter of convenience to Senators, it would be wise to make a statement showing the relative provisions of the House bill and the Senate bill. I understand that there are radical differences between them, and I think it would facilitate the discussion if he would make some kind of a statement and have it printed, so as to show the precise difference between the two bills.

Mr. MCCUMBER. The report, which is very short, shows that, and I also made the statement to make it doubly clear this morning. The report shows the difference between the two bills.

Mr. ALDRICH. I was not fortunate enough to be present when the Senator made the statement this morning.

Mr. QUAY. Mr. President, I desire again to make what has become almost a daily request to the Senate, for unanimous consent that this bill and pending amendments and amendments then to be offered may be voted upon February 19, at 2 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that this bill and the pending amendments, and amendments then offered, shall, without further debate, be voted upon at 2 o'clock, February 19. Is there objection?

Mr. NELSON. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. Now I ask for the regular order.

Mr. KEAN. I yield to the Senator from New Hampshire [Mr. GALLINGER] at his request.

Mr. QUAY. I call for the regular order. I understand the Senator from New Jersey is impatient to address the Senate upon it.

Mr. KEAN. I yield to the Senator from New Hampshire at his request.

Mr. GALLINGER. Mr. President, I desire to occupy the attention of the Senate only a few moments in calling attention to a matter that was under discussion on yesterday. I read the bill very carefully and the various reports, and while I found in the bill provisions relating to polygamy which I supposed were sufficiently stringent, as I recall it, no allusion to the matter is made in the report. When that question arose on yesterday I confess that I did not feel that I was very well prepared to discuss it, and I put myself on record as being quite as strongly in favor of the most stringent provision in this bill relating to polygamous practices as any Senator could possibly be.

Since that time I have taken occasion to look at the laws under which the last six States which have been brought into the Union were admitted.

On February 22, 1889, an act was approved admitting the States of North Dakota, South Dakota, Montana, and Washington—a quartet of States. A good deal of criticism has been made that we propose to admit three States in one bill, and yet fourteen years ago a quartet of States was admitted in one bill, and a great many Senators who are now opposing the so-called omnibus bill which is before the Senate voted for the bill admitting these four States—South Dakota, North Dakota, Montana, and Washington.

Mr. CULLOM. What were the four?

Mr. GALLINGER. South Dakota, North Dakota, Montana, and Washington. The Senator from Illinois undoubtedly voted for it with great cordiality, and so he of course is foreclosed from making the criticism which has freely been made here, that this is an unusual thing; that we are admitting three States in one bill, an omnibus bill, which the Senator from Wisconsin [Mr. QUARLES] yesterday so humorously described, forgetting that we had had a worse omnibus bill a few years ago, and which most of the leading Senators here now voted for without objection.

But what I meant to say in connection with this matter was that while there was a criticism, as I remember it, at that time that the practice of polygamy had invaded the Territory of Montana to some extent, there is no provision whatever in that bill relating to the subject except the general provision that "perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship." That bill was approved February 22, 1889.

On the 3d day of July, 1890, the State of Idaho was admitted to the Union, and I think I am not mistaken in the assertion that it has been suggested in various quarters that the Mormons were getting a foothold in the State of Idaho. I ask my friend from Idaho [Mr. DUBOIS] if that contention has not frequently been made?

Mr. DUBOIS. With the consent of the Senator from New Jersey [Mr. KEAN], I will answer that question and some others when the Senator has concluded his remarks. I will answer the Senator's question now if he desires, but I would like to submit some further remarks in answer to the Senator's question.

Mr. GALLINGER. I will simply say in this connection that in the bill in 1890, which received the approval of various of our leading Senators here, some of whom have perhaps recently been exercised over this question of Mormonism, there is not a line relating to the question of Mormonism. Congress in its wisdom and the Chief Executive left it to the State to deal with it, and I presume the State of Idaho is dealing with that question very successfully. At any rate, I have heard no recent suggestion that Mormonism is prevalent in that new and very prosperous State.

Four years later, on the 16th day of July, 1894, an act was passed admitting Utah into the Union on an equal footing with the original States.

Now, Mr. President, I need not discuss the question as to whether the Mormon religion or the practice of polygamy existed in the State of Utah. That is known to all men, and it would be simply a waste of time if I should undertake to discuss it.

Congress passed a law admitting that Territory to the Union, and what kind of a provision did Congress put into the bill relating to polygamy? These Senators were here. They knew all about this question of Mormonism, whether or not it was one that should be dealt with in the bill admitting this new State, and in that bill was inserted this provision:

> That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Now, Mr. President, that is precisely the provision that is in the bill now before the Senate, under which we propose, if it is enacted into law, to admit the States of New Mexico, Arizona, and Oklahoma; or, to be more specific, it is the precise phraseology that is in the bill relating to New Mexico and Arizona. And yet on yesterday Senators, under the right they have in debate, doubtless responding to conscientious convictions, raised a great hue and cry over the inadequacy of the provision that was found in this bill relating to the question of polygamy.

Mr. KEAN. Will the Senator yield to me for a question?

Mr. GALLINGER. Certainly. The Senator has yielded to me.

Mr. KEAN. Does the Senator consider the present provision against polygamy adequate?

Mr. GALLINGER. I am not discussing that. I was intending to say before I got through that I have had legislative experience enough to know that this matter, having been sprung upon the Senate, if the Senator from New Jersey does not, some Senator on that side of the question will say that the provision relating to Utah is not adequate. I have anticipated that.

Mr. KEAN. I certainly say so.

Mr. GALLINGER. I have anticipated that, and I think I am safe in saying that the Senator from New Jersey will doubtless indulge in that contention. The Senator nods his head. So I am prepared for that.

But, Mr. President, any criticism made upon those of us who have been supporting this bill, in so far as this question of polygamy goes, is not, to my mind, very well placed when it is considered that when Utah was admitted as a State, that we all know at one time did tolerate the practice of polygamy, and, indeed, the Territory in which polygamy perhaps found its origin, the wise men of Congress and the Chief Executive of the nation thought that was an adequate provision, and, so far as I know, very little proof has been supplied to the country that it has not proved adequate. As to those of us who thought that that

provision in the bill that is now before us, being in the identical language of the provision in the statute admitting Utah was sufficient, it ought at least to exclude from the province of severe criticism for having entertained that view.

Now, Mr. President, that is all I care to say, simply.

Mr. TELLER. How about Wyoming?

Mr. GALLINGER. I have not touched on Wyoming.

Mr. TELLER. There are more Mormons there than in Arizona.

Mr. GALLINGER. The senior Senator from Colorado asks me as to the provision in this statute relating to Wyoming. I omitted to get that, but I will venture to say, Mr. President, that there was a Territory, which is now a State, in which a very large Mormon population is found, and I feel sure that it will be found upon examining the statute that there is no more stringent provision in that law than there is in the bill now under consideration.

My purpose is served, and I thank the Senator frow New Jersey for kindly allowing me the opportunity to make this explanation.

Mr. DUBOIS. Will the Senator from New Jersey permit me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Idaho.

Mr. KEAN. I yield with pleasure, Mr. President.

Mr. DUBOIS. Yesterday I was necessarily absent, by the permission of the Senate, attending to my duties as one of a subcommittee on an appropriation bill when this discussion arose, or I should have spoken then in regard to it.

When Idaho came into the Union, its constitution provided that the legislature of Idaho could disfranchise the Mormons, with a line, simply by enacting that no Mormon should vote in Idaho or sit on a jury there. As a matter of fact, when Idaho was admitted into the Union the Mormons were disfranchised and could not sit on a jury. That was our test oath. The question was taken to all the courts, and finally sustained unanimously by the Supreme Court of the United States.

I contended, as Senators here know, that that provision of our constitution should not be disturbed. A great many Senators were loath to admit a State with such a test oath. I took the ground that on account of the peculiarity of those people and their belief in the divine institution of polygamy we ought not to be forced into the Union without this clause which our people wanted; that Congress could keep us out, but that, representing my people as a Delegate, I protested they should not take us in unless this constitutional amendment was ratified by Congress as a part of our State constitution.

At that time in Idaho we had the most stringent laws in regard to polygamy, unlawful cohabitation, adultery, and all kindred subjects. We were admitted into the Union, as I say, under that constitution, and the Mormons were disbarred from all their rights of franchise.

Mr. SPOONER. All of them?

Mr. DUBOIS. All the Mormons, all members of the Mormon Church, no matter whether they were polygamists or not. We had in Idaho put on our statute book a provision that no Mormon should vote; and, as I have said, that law has been passed upon by the Supreme Court of the United States and sustained.

Mr. HALE. How much of an element in numbers had the Mormons in Idaho compared with the rest of the population of the State? What proportion of your population belongs to the Mormon Church.

Mr. DUBOIS. Roughly, I should say between one-fifth and one-sixth of our population—a very large proportion.

Mr. HALE. Are they interspersed throughout the different counties or are they largely together?

Mr. DUBOIS. They are mostly together on the borders of Utah, extending north. I live in the heart of the Mormon country. There are 6 counties out of the 21 counties in the southeastern part of the State, and I should say that in three of those counties the Mormons are a majority of the population, and in the other three they are about equal in numbers to the Gentiles. In addition to that, there are some of them scattered among the other counties.

Mr. HALE. Do they take no part in the legislation or in the elections in the State?

Mr. DUBOIS. They took no part in the framing of our constitution. They were disfranchised under our Territorial law; they were not allowed to vote or to sit on juries, and there was not a Mormon in our constitutional convention. Our constitutional convention, regardless of politics, put the provision in our constitution that no member of the Mormon Church should vote.

Mr. HALE. Now I direct the Senator's attention to what is the present condition in that State.

Mr. DUBOIS. I intended to lead up to that. My remarks were leading up to that directly.

Mr. HALE. I did not want to interrupt the Senator.

Mr. DUBOIS. I was paving the way for that.

Mr. HALE. What the Senator is saying is very interesting, and some of it is quite new to me.

Mr. DUBOIS, At the time when this drastic legislation was passed in Idaho, which startled the country and attracted attention everywhere to this Mormon problem, the Mormon people believed and said that under the Constitution of the United States we could not interfere with polygamy, putting that contention on the ground that we could not interfere with the religious beliefs and practices of any people. Polygamy, they claimed, was a religious tenet, and that therefore under the Constitution of the United States we could not disturb it. That made our fight very simple, but very bitter. They took that position, and we, of course, combated it.

Mr. SPOONER. What was the nature of the test oath to which the Senator from Idaho has referred?

Mr. DUBOIS. I will explain it. They were required to swear that they did not belong to an organization which taught or preached the practice of polygamy, and that they did not subscribe to the support of any institution which teaches, counsels, or advises the practice of polygamy, etc. We had a very able Democratic lawyer from the State of Kentucky who framed this law, which has passed the scrutiny of all the courts.

As I say, when such legislation as that was necessary the Mormons contended openly that the United States was powerless to interfere with polygamy because it was a religious tenet, and that the Constitution of the United States gave them freedom in religion. After Idaho was admitted under this State constitution a proposition was made in Congress to apply the Idaho law to Utah. That may have had something to do with subsequent events.

Mr. HALE. Utah was then a Territory.

Mr. DUBOIS. Utah was then a Territory, but the Mormons being in the large majority in Utah, of course the Utah legislature could not pass any such provision as was passed by the Idaho legislature, where the Gentiles were in the majority.

Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy. In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority, was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

The Senator from Maine [Mr. HALE] will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut [Mr. PLATT] will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said, "They have admitted the right of our contention and say now, like children who have been unruly, 'we will obey our parents and those who have a right to guide us; we will do those things no more.'" Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people; and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

Mr. HALE. Then it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I, with others who had made the fight, thought we were justified in making this promise to the Mormon people. We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter the polygamous relation—that those older men and women and their children should not be disturbed; that the polygamous

man should be allowed to support his numerous wives and their children. The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones, who had contracted those relations before the manifesto was issued, would not be persecuted by the Gentiles; that time would be given for them to pass away, but that the law would be stringently enforced against any polygamous marriage which might be contracted in the future.

Mr. HALE. I can see the force of that generous policy, which was based upon the larger proposition that in getting rid of an undoubted evil, having provided for its disappearance in the near future, for the time you bear with the present condition of those older parties. Under this generous treatment I suppose those older persons in Idaho did not cease the polygamous relation; they supported their wives and their family relations were maintained, but there was no new taking on, and therefore in time polygamy would disappear.

Now, let me ask the Senator another question. Notwithstanding that, and what he thinks will be the absolute disappearance of polygamy as a practice of the church, I ask whether the Mormon Church organization and its hold over its followers and membership is maintained as strongly as ever? Notwithstanding the disappearance of polygamous marriage as a church practice, do the Mormons still hold that kind of allegiance which in a sense is offensive in that it makes the church higher than the Government? What is the opinion of the Senator as to that?—for I am asking actually for information.

Mr. DUBOIS. Very much to my regret, Mr. President, I must answer the Senator's question in the affirmative. I can not see any very great diminution in the power of the Mormon Church over its followers in political and temporal affairs since the disappearance of polygamy. Polygamy, as the Senator says, has practically disappeared; it is no longer a question which bothers any of us who live in that part of the country.

Mr. HALE. But the hierarchy is there?

Mr. DUBOIS. The hierarchy is there, and designing politicians are there as everywhere, and if it were not for those politicians, coming from the outside in a great many instances, I imagine that our people in that Western country would gradually divorce the church from the state in politics.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. DUBOIS. Certainly.

Mr. PLATT of Connecticut. Has not the Mormon Church, by manifesto or proclamation, or whatever name you will give to their authoritative utterances, said that they did not propose to take part in politics, that their members were entirely free to join either of the political parties, and to have any political associations and affiliations that they chose?

Mr. DUBOIS. They did. That was a part of this very manifesto, and one of the strong reasons which impelled us in that country to cheerfully accept it, assuming that they would carry out that provision as well as the other.

Mr. HALE. But the Senator finds that, so far as the power of the church, the concentrated power over the individual, the hierarchy, is concerned, that is as strong to-day as it ever was?

Mr. DUBOIS. Well, I probably went a little too far in saying, if I did make such a statement, that it was as strong as it ever was. I think it is not. The younger members of the Mormon Church, since they have been given the right of franchise and have participated in politics, do not take very kindly to the exercise of this authority by the leaders, and a great many of them are breaking away; but the power of the church is as absolute among most of the older people as it was in former days.

Mr. HALE. There is no falling to pieces of that?

Mr. DUBOIS. There is a falling to pieces among the younger element, who resent it.

Mr. HALE. But not in the organization of the Mormon Church. That is maintained just as firmly as ever?

Mr. DUBOIS. No Mormon holding high ecclesiastical position can aspire to any political office without first gaining the consent of the first presidency of the Mormon Church.

Mr. HALE. That is clearly an objectionable condition. Does not the Senator agree with me upon that?

Mr. DUBOIS. Most thoroughly. It is, if anything, more objectionable than polygamy.

Mr. HALE. More far-reaching in its result?

Mr. DUBOIS. More detrimental to the State and to the interests of the United States.

Mr. HALE. But that exists to-day?

Mr. DUBOIS. That exists to-day. That ruling was made by the first presidency of the Mormon Church some six or seven years ago. Under that ruling they destroyed Apostle Thatcher, a Democrat, who was aspiring to a seat in this body. He went before a Democratic legislature asking to be elected United States Senator, and the first presidency destroyed his ambition because he had not gained the consent of the first presidency to make his canvass.

Mr. HALE. Does the Senator think—and he has large intelligence about this and near-by States and Territories—that a like condition affecting the church and its sway and its influence and the allegiance to it exists to-day to any extent in New Mexico and Arizona as it does in Idaho—not the practice of polygamy by polygamous marriages in the future, but the deep-seated, overruling law and control of the Mormon Church, which the Senator has so well described in Idaho? Does he think that condition exists to a more or less degree in the two Territories which are the subjects of this discussion?

Mr. DUBOIS. It exists in those two Territories in exactly the same degree that it exists in Wyoming, Utah, and Idaho, and every other place where there are Mormon people.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. DUBOIS. Certainly.

Mr. BEVERIDGE. Does the Senator know whether or not there is on the statute books of either of these Territories any law in force at present against polygamy?

Mr. DUBOIS. I do not know, and I do not care.

Mr. BEVERIDGE. I should be glad to have the information if the Senator has it. I do care.

Mr. DUBOIS. I have stated as plainly as I can that there is not any polygamy. So what is the use of having a law against something that does not exist?

Mr. BEVERIDGE. The question is, then, What is the use of putting in the bill a prohibition against polygamous marriages?

Mr. DUBOIS. There is not any particular use. If my statement on that point is not true, of course none of my statements are true. I mean my statement that polygamous marriages are not sanctioned or contracted by the Mormon Church.

Mr. WARREN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Yes.

Mr. WARREN. I have no desire to correct the Senator in his statements regarding Mormon Church affairs or the Mormon people in Idaho, nor do I desire to define conditions in Arizona or New Mexico; but I wish to say that in my experience of thirty-five years in Wyoming I have known no difference between the Mormon Church and any other church so far as politics have been concerned, or the part the Mormon people have taken in political affairs. If at any time there has been a political condition there that has caused those seeking or those enjoying office to show subservience to the Mormon Church, or to unduly ask that church's influence, I do not know of it.

We all know that other churches—the Presbyterian, the Methodist, the Catholic, and all the great denominations—have a certain influence in elections, great or small according as they predominate in different localities; and our experience in Wyoming has been that the Mormon people stand exactly as the people of other religious faiths in regard to politics and the exercise of their suffrage.

The Mormons of Wyoming never have been polygamists, have not been an indolent or an immoral people, but, on the contrary, have been and are industrious, moral, frugal, and thrifty, and are a desirable and good class of citizens. If there are Mormon settlements in New Mexico and Arizona, and if these settlements increase, I am of the opinion that the Mormons there will form the same desirable class of citizens as we find them in Wyoming.

Mr. DUBOIS. Mr. President, I do not care to enter into any controversy with the Senator from Wyoming [Mr. WARREN]. I was answering the allegation in regard to polygamy. The Senator from Maryland [Mr. MCCOMAS] stated that there would soon be a Mormon majority in Arizona; that the Mormons numbered one-fifth of the population now and would soon be two-fifths, or I think he said, or a majority. I doubt that very much. So far as that is concerned States like Idaho and these proposed new States can easily control the Mormon people whenever they so desire. If the Mormon people should flagrantly, through their first presidency—those who have authority—openly interfere in politics in Idaho I would guarantee to take the stump in that State and disfranchise every Mormon in one campaign.

Mr. HALE. Is it from the first presidencies in the different States or is it from the first presidency in Utah, whom we might call the primate of Utah, that the Mormon people take their directions?

Mr. DUBOIS. They take their directions from the first presidency of the Mormon Church, which consists of the president and two councilors, who are selected from the apostle quorum of twelve, and who are called the second and third presidents, the three being known as the first presidency of the Mormon Church.

Mr. HALE. In each State?

Mr. DUBOIS. No, in Utah. This triumvirate constitutes what

is known as the first presidency of the Mormon Church. They have a presidency of the stake, which is the highest authority in Idaho. The supreme power is given these three presidents in Utah.

Mr. HALE. In Utah?

Mr. DUBOIS. Yes. They have presidents in their different Territories and States. In Idaho, for instance, they have two or three presidents of stakes, as they call them, who are presidents over a large area, embracing a great many Mormons. I imagine they have a president of the stake in Wyoming.

Those presidents of the stakes have no authority politically over their followers. They can be Republicans and go on the hustings, as they do, and contend for the principles of the Republican party; but a Democratic Mormon who occupies a very subordinate position in the church can answer them in just as intemperate language as any public speaker answers another, and will not be checked for it. But when it is understood that the first presidency wants something done they can send their orders out into Idaho and everywhere else, and they will be obeyed. I say—and at some other time I may take up this question again—that if it were not for outsiders we would have settled this question. But we can take care of it in these Territories and States, because what is being done is being done in a measure under cover, and every time authority is exercised which we can trace pretty close to the first presidency, it makes a tremendous disturbance and is bitterly resented not only by Gentiles but by many Mormons as well.

Mr. HALE. Still it is a very serious condition which the Senator has stated to us, that this silent authority, accountable not to the State, not to the nation, not to the officers of the presidency of the State, but to the central, controlling, potential force represented by the first president and his associates in Utah—raises a very profound problem for the Senate to deal with in these States. The Senator knows, as he knows history, that it has been one of the most difficult things to deal with people who hold any allegiance aside from that to the Government—an allegiance which may be, as suggested to me by the Senator from Wisconsin [Mr. SPOONER], an oath-bound allegiance, but, if not, is dominating in the mind of the person who is subject to that influence.

The Senator thinks that the States can deal with that question, but it brings to my mind a clearer appreciation—while we have abolished polygamy, as I think we have as a future practice, and I think the Senator is right about that—it presents to my mind as never before the danger of the influence of the Mormon Church in those localities in the future as a dark element that can not be penetrated by the light that usually illuminates and enlightens communities generally in the States. It is an inside influence; it is pernicious, and may be fraught with the most serious mischief. I think the Senator feels that himself.

Mr. DUBOIS. I want to be perfectly clear. Of course the Mormon first presidency deny absolutely that they exercise this power. They insist that their hands are entirely out of politics.

Mr. SPOONER. Do they deny that they are politicians?

Mr. DUBOIS. They say that they do not try to exercise political control any more than does the bishop of any other church, and we find a great many men like my friend the Senator from Wyoming [Mr. WARREN] who has plenty of Mormons in his State, who insist that the Mormon Church is no different from any other church. They do not openly proclaim this power, nor do they openly exercise this power.

I think that no one will deny my statement that a great many of the younger element who have tasted the sweets of political life and who are candidates for office on a ticket do not like to have orders issued from Salt Lake that the ticket on which they are running should be defeated. In my State during the last campaign, in one county where we had a ticket which ought to have been elected, the leading Mormon of that county, who was running on the ticket, said, "We had better withdraw our ticket, because the church is going to defeat us." The young Mormons resented that very bitterly. For the reason that the first presidency is not proclaiming this power or openly exercising it, headway is being made against this power constantly and steadily, especially among the younger element of the church.

Mr. WARREN. In speaking of Wyoming, of course we have the younger members of the church. Settlements in our State were made later than the earlier settlements in Utah and Idaho. I ask the Senator, in view of his statement regarding the political attitude of the younger members, when it comes to the parting of the ways, if he does not think there is the same tendency to exercise all the functions of citizenship regardless of church affiliations?

Mr. DUBOIS. I do.

Mr. WARREN. That being so, does not the Senator think in New Mexico and Arizona, these being newer settlements, that there will not be the same difficulty, or the same degree of difficulty, that the Senator describes in his own State?

Mr. DUBOIS. I am not putting my State in a different category from the others.

Mr. HALE. Why should it be different?

Mr. DUBOIS. It is not different.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. DUBOIS. Certainly.

Mr. BACON. Senators have all gotten together in a bunch over there and we can not hear them. It is a very interesting question, and I hope they will get farther apart.

Mr. HALE. The Senator from Georgia is missing a great deal.

Mr. BACON. I am trying to hear it, but I can not do it if Senators all get within a few feet of each other and each one talks to the other.

Mr. DUBOIS. My contention is that in regard to every subject these two Territories are made an exception, as they have been in almost everything. Judging from the experience in my own State and the experience in Wyoming, I think the Gentile element will always largely predominate in these Territories where Mormons now are. I do not think there is any question for doubt in regard to that. The conditions are the same in all those Western States. If there comes any flagrant interference by the first presidency, these States will enact laws like the Idaho test oath, removing the Mormons from all participation in politics, or other laws which will make it very uncomfortable for them. The younger element is helping us in our opposition to church interference. Frankness compels me—and I gladly do it—to state the condition in that country as I understand it.

Mr. TELLER. With the consent of the Senator who has the floor, I wish to say a few words.

Mr. KEAN. I yield to the Senator from Colorado.

Mr. TELLER. We have had in the State of Colorado for twenty-five years a considerable population of Mormons. We have never had any law against polygamy in the State. We have had a law against bigamy, and that has been sufficient to prevent any polygamous marriages or any polygamous relations in the State among the Mormon settlements. There are three colonies or settlements of Mormons.

I do not myself believe that there has ever been any interference politically by the Mormon Church with these communities. I think those of them who came from Utah had their political ideas very largely formed before they came to Colorado, and quite a large proportion of them have never lived in Utah and have never been brought under the rigid subjection that perhaps the Mormons have encountered in that community.

In Colorado they divide politically, with a preponderance very largely toward the Republican party, and I understand very well why that is. The founders of the Mormon Church were great believers in the doctrine of protection. That was one of their cardinal economic ideas. Their purpose was to manufacture and produce everything in the community in which they lived that it was possible to produce or manufacture and to buy as little from the outside as possible. And notwithstanding at one time they felt there was very decided persecutions on the part of the General Government, which was then in the hands of a Republican Administration, very distinguished members of that church maintained their allegiance to the Republican party.

I agree with the Senator from Idaho that the church is all-powerful, and whenever the church does speak through its first presidency I have no doubt the great body of the church would respond to the demand made. But that such a demand is made or ever has been made, so far as our people are concerned, I very much doubt. That power which the church secured to itself in its early days has been a great agent in colonizing and supporting that section of the country.

Mr. President, I had an opportunity of knowing the very first founders of this church. Some of them came from the immediate neighborhood in the State of New York where I was born and brought up, and nearly forty years ago I came in contact with these people in Utah. I think in all the history of this country there has never been gathered together a more remarkable class of men than that which gathered in Utah in the early history of that Territory. They were men of great ability, many of them men of fine education, some of them classical scholars of note. I believe I do not exaggerate when I say that at one time the finest Hebrew scholar on the continent was a member of the Mormon hierarchy. They were Greek scholars; they were historians; and they had that enthusiasm which alone carried success in an enterprise of that character.

Mr. President, that they practiced polygamy vigorously there for many years can not be doubted. I knew for a great many years the president of the church who issued the manifesto against polygamy. I have no hesitation in saying here—he is dead—that he was a man of very great intellect and a man whose honesty

and integrity I never heard questioned by anybody in or outside of Utah.

Mr. WARREN. Who was he?

Mr. TELLER. Mr. Woodruff. And when he declared to the Mormon Church that polygamy must cease he did not declare it as a man. According to the theory of that church he was the vice-regent of the Almighty, and it was an enunciation to them not of the will of the church, but of the will of God himself.

Mr. PLATT of Connecticut. He claimed to have a revelation, did he not?

Mr. TELLER. Of course, polygamy was established on a claim of revelation, and it was destroyed on the claim of a revelation.

Mr. BACON. Who was the officer to whom the Senator referred?

Mr. TELLER. Wilford Woodruff. I think the Senator from Utah will agree with me that I do not overstate the character of this man.

I do not mean to approve of the polygamy doctrine, for I am as much opposed to it as is the Senator from Idaho. I am speaking of the people themselves and of their wonderful character and their wonderful success. I have had some opportunity of knowing about this matter. I do not believe, as the Senator from Idaho says, there has been a polygamous marriage or a polygamous relation maintained, except as he explained it. I suppose it does exist in that way. At one time, when we were attempting by the national law and the national power to destroy polygamy, the man who would feed his little children, born of a polygamous wife, could be incarcerated in prison. Many of the men who supported the women with whom they had lived and with whom they had reared children, went to jail because they furnished food and clothing for their wives and children. They might abandon them and leave them to starve and the Government would not prosecute, but if they fed them the Government would prosecute.

Mr. KEAN. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. KEAN. The Senator seems to be well informed on this subject. Is not polygamy practiced at the present time in Mexico by these same people?

Mr. TELLER. I do not know anything about the practice in Mexico. Neither does the Senator, I believe.

Mr. KEAN. I asked the question, as I knew the Senator from Colorado was well informed.

Mr. TELLER. There is a colony in Mexico. There is a colony in a country nine-tenths of whose people are members of the Catholic Church; and if there are any people on the American continent who enjoy a high character for the sanctity of the marriage vow and the relation of the sexes, it is that church. I should not believe without the most positive proof that any colony was allowed to practice polygamy in the Republic of Mexico. I do not believe they do, Mr. President. I was in Mexico a few years ago and in the neighborhood of the colony in Chihuahua, and I never heard any complaint of that. I heard them well spoken of as industrious, well-behaved, and good people. I believe that to-day there is no danger whatever of polygamy.

Now, as to the power of the church, that can not be destroyed by legislation. It is undoubtedly a misfortune that it should prevail, but to some extent it prevails in every religious organization on the continent. In a political contest I have seen the power of pretty nearly every great church in the United States influencing the voter, undoubtedly with the thought that it was a proper thing to do; and I do not mean to say that sometimes that interference may not be a good thing in the interest of the morals of the people.

Mr. PLATT of Connecticut. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Does the Senator go so far as to assert or suppose that in case a man's official duty in his official capacity was held to clash with the requirements of the church, he would follow the requirements of the church rather than his official oath and his official duty under his oath?

Mr. TELLER. I have no reason to suppose, from my acquaintance with the Mormon people, that that condition ever existed. I have known men of as high a character in that church as I have in any other, and without positive proof that such a condition existed I should not be willing to believe it. I have never heard any complaint of that. The only complaint I have ever heard is that the first presidency sometimes says, "We should like to have this man elected," or "We should like to have the other." I believe that rarely occurs in Utah, and I do not believe it has ever occurred in the State of Colorado with our Mormon population. I have never heard that it has occurred in Wyoming, which is a neighbor of ours and of which we all know something.

Mr. DUBOIS. I will say to the Senator from Connecticut that we have a great many Mormon local officials in our State; a district judge is a Mormon; in Utah, of course, the governor and other high officials are Mormons, and that question never has been raised at all and is not likely to be raised any more than that the devotion of some of us to the Presbyterian Church and its tenets would cause us to violate our oath of office as Senators.

Mr. PLATT of Connecticut. The reason I asked the question was that the statement as broadly made by the Senator from Idaho and the Senator from Colorado might be construed in that way. I doubt very much whether that would be so.

Mr. TELLER. I did not intend to go to any such extent. I only meant to say that when the first presidency indicated that they thought a political party which was struggling for power was friendly to them and in their interest, the Church would be very apt to respond. I have seen that done by bishops and leaders in other churches.

Mr. President, I wanted to say these few words about the Mormons, because I took up a paper the other day in which I found a statement, made by somebody, that there was to be a great contest in the Western States over the question whether the Mormons were going to get control of the States. I have seen repeatedly in public prints the statement that they held the balance of power in the State of Colorado. They have never been a factor in political affairs in the State. They may have been in a county, but I have never heard any complaint of that. But, as far as our State affairs are concerned, neither party has ever nominated a Mormon, and they have never been considered, I repeat, as a factor. They never will be. They will not be in Wyoming; they will not be in Arizona, or in any of these States. In the first place, they are not people who devote themselves much to politics. They are as industrious, debt-paying, law-abiding a people as there are anywhere on the continent.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. I yield.

Mr. RAWLINS. Mr. President, in view of the reference made by the Senator from Colorado and also other Senators to the conditions prevailing in Utah, there are one or two things I deem it proper to say in this connection.

In 1893 I was a Delegate in the House of Representatives. I introduced the bill under which Utah became a State. My attitude had been somewhat similar to that of the Senator from Idaho [Mr. DUBOIS]. He has already stated the occurrences which led up to the creation of the sentiment in Congress and in the country by reason of which Utah became a State.

The Mormon Church had maintained the institution and practice of polygamy. In Utah it had held absolute dominion politically in local affairs. Party politics were church and antichurch. But in 1890, for various reasons, the president of the Mormon Church, almost if not quite professing to speak by Divine authority, proclaimed to the Mormon people and to the world that there should be a cessation of the practice of polygamy and that the hand of the church would be taken out of political matters, and that the Mormon people like other people would be free to exercise their own preferences in regard to politics and political parties.

This solemn delaration was affirmed and approved by a Mormon conference, embracing all the organizations of the church. The non-Mormons in Utah accepted that pledge as one made in good faith, and those who had been violently opposed to the Mormon Church and polygamy withdrew opposition to the admission of Utah to the Union as a State.

So when I presented the bill to the House, Utah, by reason of her population and her wealth being otherwise entitled to admission, Congress enacted the necessary legislation and Utah came into the Union as a State.

Now, it is true that old polygamous relations have in a way been maintained. Perhaps in some few instances, very exceptional and rare, there have been in Utah and elsewhere by Mormons polygamous marriages contracted. Perhaps that pledge, made by the Mormon Church in regard to polygamy, has, as fully as might have been expected, in view of all the conditions, been complied with. But men possessed of political power and influence, in spite of any pledge to the contrary, are not likely to surrender that power. It seems not to be human nature. The Mormon leaders during the Territorial days held political power and dominion. While they said to the Mormon people, "You are free to make your political preference, to vote as you please," these leaders were subjected to importunities, by politicians or perhaps by parties in some instances, by persons aspiring to political office, to employ that influence in their behalf. That has been our trouble in Utah, and it will continue to be our trouble in Utah.

The Mormon leaders have proclaimed that they do not interfere in political affairs. And yet that subtle influence has pervaded the communities until there is a confirmed belief on the part of all people in the State of Utah—Mormons, I believe, and non-

Mormons alike—that the church influence in politics is an extremely important factor.

Mr. SPOONER. Will the Senator from Utah allow me to ask him a question? The statement is an exceedingly interesting one. I have not myself been so much concerned about this question, so far as it relates to polygamous marriages, because I have assumed that it could be reached by the criminal laws of the country, properly enforced. But does the Senator agree with the statement of the Senator from Idaho as to the absolute power which he indicated exists on the part of the first presidency, as he called it, over the political actions of members of the church, going to the extent of prohibiting a Mormon from being a candidate for office, a prohibition which must be obeyed? I suppose if the order were that he should become a candidate for office, it likewise would be an order to be obeyed. Is that the Senator's understanding of the situation?

Mr. RAWLINS. The Senator from Idaho, I think, stated the situation with substantial accuracy. I would add in this connection one or two incidents.

Mr. DUBOIS. To be entirely accurate, I will state what I said: That the Mormon first presidency issued a statement recently that no Mormon holding a high ecclesiastical position should become a candidate for high political office without the consent of the first presidency. That is the statement.

Mr. SPOONER. The Senator does not go to the extent of saying that no Mormon can become a candidate for political office if prohibited by the first presidency?

Mr. DUBOIS. I was speaking of their order, which refers to those high in authority in the church. The practice is for any Mormon who wants to be a candidate for sheriff or county office, or on the State ticket or anything like that, to do so.

Mr. SPOONER. What I want to get at, if I can, from the Senators who live in the vicinage, so to speak, is the extent of power which may be exercised, if the hierarchy chooses to exercise it, upon the action, political and otherwise, of members of the church.

Mr. HALE. Let me ask the Senator——

Mr. RAWLINS. If the Senator from Maine will permit me, I should like to answer the question propounded by the Senator from Wisconsin.

Immediately upon the admission of Utah into the Union the question rose which is the subject-matter of the inquiry of the Senator from Wisconsin. One of the parties nominated in a political convention in the ordinary way men holding positions in the Mormon Church for political offices. In the progress of the campaign, during a Mormon conference, it was proclaimed to the Mormon people that those candidates had not received the permission of their religious associates to become candidates for these offices, and therefore their conduct was not approved in that respect. This, promulgated in the midst of a political campaign, it was thought had a material effect upon the election. These men were defeated. Thereupon the men who had continued to be candidates were arraigned.

Mr. HALE. They were what?

Mr. RAWLINS. They were arraigned before the authorities of the church.

Mr. HALE. The men who did not regard the order?

Mr. RAWLINS. They did not regard the order. They were arraigned before the authorities of the church, charged with misconduct. Thereupon a manifesto, as it was called, was issued by the Mormon Church and proclaimed to the Mormon people, upon which the Mormon people were invited to vote their approval. That was, that no person in the Mormon priesthood and occupying an important position in the Mormon Church, should aspire to a political office without first having obtained the consent of his religious leaders. That manifesto was adopted in conference and in the different local church organizations throughout the State.

The party called a reconvened convention to protest against this doctrine, on the idea that if it were submitted to by the Mormon people, it would result in this—and I think it has so resulted: That any Mormon nominated without first obtaining the permission of the church leaders to become a candidate has the disapproval of the church organization as such, while any Mormon occupying a prominent position who conforms to that rule and obtains the consent of the authorities of the church, goes to the Mormon people with the benediction of the Mormon Church, and among a large number of that people it would be sufficiently potent to induce them to cast their suffrage for that candidate.

Mr. HALE. While the other man rests under the frown of the church. Now, I submit, Mr. President, that no statement can be stronger than this as to the interposition of this church power. The approval of a church sets a man free in the race the American citizen embarks in for the favor of his fellows, but if his candidacy is not approved, he rests under the frown of the church and he can obtain no office. Does the Senator know any other church about which that is true?

Mr. RAWLINS. No; I do not.

Mr. HALE. No; I do not think he does.

Mr. RAWLINS. I want to state in this connection that a vigorous protest was made at the time against this manifesto, this idea that a member of the Mormon Church could not aspire to office without obtaining the consent of the church leaders. It was protested against for the very reasons I suggest. Not only did the non-Mormons protest against it, but many of the Mormons protested against it, and they met in convention and adopted resolutions protesting against it.

Mr. WARREN. Mr. President——

Mr. RAWLINS. But, of course, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. RAWLINS. In one moment. Of course, Mr. President, the Mormon people in a way have been compelled to acquiesce in it, for this reason: Anyone opposing it after its adoption as a church organization was subject to excommunication in the church. Very many Mormons, younger Mormons and older Mormons, too, in that respect, dislike it and are protesting against it, but are not willing to carry their protest to the extent of suffering such excommunication.

Now, in Utah no Mormon—and of course the large proportion of our population are members of the church—feels that the road to political preferment is open to him except upon that condition. Very many of the best Mormons, therefore, will not aspire to political office, because while they acquiesce they do not desire to submit to this sort of interference of the church in affairs of state.

Mr. SPOONER. Will the Senator permit me to ask him another question—only for information?

Mr. RAWLINS. Certainly.

Mr. SPOONER. Has the full scope of the power of the Mormon Church over its members, so far the Senator knows, come to the knowledge of the public?

Mr. RAWLINS. I think it has been discussed many, many times in the public press, and also, I suppose, in the halls of Congress.

Mr. SPOONER. Does the Senator know whether the members of the Mormon Church take an oath or not?

Mr. RAWLINS. That is a field of inquiry I would not care to enter upon.

Mr. WARREN. Will the Senator from Utah yield to me for a question?

Mr. RAWLINS. With pleasure.

Mr. WARREN. Without challenging the statement of the Senator from Utah, for he undoubtedly knows more about the Mormon situation in Utah than I do, or perhaps any one here, I should like to ask him where the line is drawn as to those who are required to get permission of the church in order to accept a political nomination or take an active part in politics? Does it apply to business and professional men, or does it apply only to certain high church officials, and if the latter, just where the line is drawn with reference to church positions, and how many and of what order does it include?

I would ask the Senator another question before he answers, so that the two may be considered together. Is the condition he is describing the condition as it has continuously prevailed from early times to the present; is it of the present or of long ago; and what is the condition now as compared with the condition one, two, three, five years ago?

Mr. RAWLINS. I am glad the Senator has asked both those questions, because I have no interest in this matter except to present the case as it actually is.

Mr. WARREN. I will say that I do not ask the questions to distract the Senator.

Mr. RAWLINS. I know.

Mr. WARREN. But such information is of great interest to the Senate and to the country, and I should like to have it completed. I only ask the questions so as to have the answer complete.

Mr. RAWLINS. As to the first question, I regret that I am unable to give the limit, because when this manifesto was issued by the church, announcing that members aspiring to political office—that is, persons holding positions of authority in the Mormon Church—should obtain permission of the authorities before doing so, many Mormons themselves made the inquiry and desired to have the limit defined, so that they might know what degree or standing in the church would make the person amenable to this rule. As I understand it, the church declined to fix any limitation, but, as a matter of fact, it related to two persons. One was an apostle of the Mormon Church, subsequently deposed. The other was in a subordinate position in the church. He was one of the first seven presidents of the quorum of seventies. In one campaign this man made the fight under the political ban of the church, without having its consent, and was defeated. In the subsequent campaign, having subscribed to the doctrine and

obtained the consent, he was elected. Now they are conscious, not Gentiles but Mormons, that if they could they would rid themselves of this.

That leads me to the answer to the inquiries very properly propounded by the Senator from Wyoming. In Utah I concede that there has been very great progress among the Mormon people themselves in the way of the emancipation of the people from this kind of influence. In the older days—the Territorial days—the sway was absolute, and you would hear no protest. To-day there is a very large class among the Mormon people who would readily overthrow this church domination in affairs of state, and it is just as obnoxious to them as it is to any member of the Senate. That feeling, that sentiment, that disposition to get rid of it is growing.

Now, one of the great troubles we have in Utah is this: The managers of political campaigns (and it is true of all managers, and I do not speak in a party sense) seek to pull all the strings in order to win. Those are sometimes legitimate and sometimes, in the estimation of people who look at the matter impartially in the interest of the public weal, they are illegitimate.

If these extraneous influences could be got rid of, if leaders of the Mormon Church, or any other church are not led to believe that they can gain some advantage, some immunity, by aiding one political party or another, they see that there is no reward for them by intermeddling in church affairs. On the other hand, it ought to be the case that instead of rewards it ought to be reprobated. No advantage at least, but rather a disadvantage, should come in consequence of this intermeddling. This attempted interference would disappear if the leaders themselves would take their hands out. Many of them proclaim that they do not want or do not put them in, but if they would keep their hands out the rank and file of the Mormon people would be left to themselves. They are not a dangerous people. They are an industrious and frugal people.

Mr. WARREN. I wish to ask the Senator a question right in the same line. I think the Senator will be glad to answer it.

Mr. RAWLINS. Certainly.

Mr. WARREN. Is it not a fact that when this condition first prevailed and for a long time after it there were but two parties in Utah, one the Mormon and the other the Gentile? Or, to be more specific, the People's party (Mormon) and the Liberal party (Gentile). There were then no political parties such as are known to-day as Republicans and Democrats. In former times it was the Mormon and the Gentile. Since the division of the parties, since there has been a Republican party and a Democratic party, has the tendency been toward greater freedom from the dominating influence the Senator has mentioned, or otherwise?

Mr. RAWLINS. I think so, most decidedly. I think I anticipated in some remarks which I had the honor ten years ago to make in the House of Representatives that we would not actually be free from this question, that it would arise in one way or another to plague us, but that with conditions favorable to the free exercise of the right to vote, to deal with public questions, with the division of these people who had theretofore been solidified discussing this question, it would tend to the accomplishment of the end which all desire. That has resulted, and it will continue, in my judgment. I do not think that we will be dominated in our political affairs in Utah. The conditions will improve, in my judgment.

Mr. McCOMAS. Mr. President, the Senator says two new parties are there, Republican and Democratic. Can the Senator tell me the practical result in the present legislature? Is he informed how many members are reputed Mormons?

Mr. RAWLINS. I could not give the exact proportion.

Mr. McCOMAS. Approximately?

Mr. RAWLINS. But a majority of the legislature.

Mr. KEAN. It is utterly impossible to hear the Senator.

Mr. McCOMAS. I should like to hear this answer.

Mr. RAWLINS. I am not accurately informed as to the number.

Mr. McCOMAS. Approximately?

Mr. RAWLINS. I am quite sure that a considerable majority of the present legislature are members of the Mormon Church.

Mr. McCOMAS. A considerable majority of the present legislature are members of the Mormon Church?

Mr. RAWLINS. Yes; I think that is true. That is a rough statement, because I have seen——

Mr. DUBOIS. And of the State?

Mr. RAWLINS. Of course a large majority of the population of the State are members of the Mormon Church.

Mr. WARREN. So that the proportion of the legislature would represent very fairly the proportion of the population of the State as to Mormons and non-Mormons?

Mr. RAWLINS. I do not think the Mormon people have been disposed to discriminate on the grounds of religion, to apply the religious test. I have thought that in the elections generally they have manifested considerable liberality in that regard.

In so far as the dominating influence of the church has been employed, it has not been employed strictly for the purpose of elevating Mormons as against non-Mormons. I think the leaders themselves have not felt inclined to make a strictly religious test; but appealed to, their aid sought, with the idea that advantage was to come to them or immunity was to come to them or something was to come to them if one side or the other was aided, in a way which I can not describe the aid has been given. At least, that is the firm opinion of, I think, all the people, almost without exception, in my State.

Mr. President, I do not think that I have anything further to suggest.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. Certainly.

Mr. HALE. For only a moment.

The discussion this afternoon, Mr. President, has not only been most interesting, but most valuable, and, as a Senator on my left says, startling. It has disclosed the presence in certain States and Territories of a powerful religious organization, a well-organized church, not asserting a practice that is believed by the American people to be wicked in its results, the practice of polygamy, but asserting itself as a dominant, potential force from the mind and action of its followers.

The Senator says that this has been fully discussed before. I do not think so. Most of the discussion that has taken place in Congress in relation to Mormonism has been with reference to the practice of polygamy and its disastrous results upon the social fabric. The greater question of the power and determination of the Mormon hierarchy to intrude itself into temporal matters and to influence and control the action of its followers as citizens is what has been developed here to-day, and it may well give us pause.

The very last statement of the Senator from Utah—that when an election has taken place and there have been opposing forces, in some way the influence of the church has been brought to bear to secure a given result, he does not know how—tells the whole story.

We have been told that in elections of popular officers where there are two candidates and the one has the approval of the church and the other rests under the frown of the church, the man who rests under the frown of the church goes down. We have been told of another case where a man running for office, a candidate before his fellows, with a laudable ambition to be elected to an important office, has been prohibited from running by the authorities of the church, that he is withdrawn from the contest.

I do not know, Mr. President, of any greater power than that. I do not know of any more dangerous power than that. It is the power to bind and loose. If there is anything in the spirit of the American institutions, it is that this is never permissible on the part of the authorities of a religious organization to exercise control in temporal matters over its followers and to influence elections, as the Senator from Utah said, by methods which he does not know about, but which are always effective.

This day has not been ill spent, Mr. President, in bringing out in this discussion on what is called statehood certain conditions that obtain where the Mormon Church has secured its lodgment; and the lessons which we have been taught here ought to sink into the minds of Senators and ought to give us pause, I do not think upon this bill—it is wider than that—but it discloses conditions that we may well take into account in any legislation with reference to these communities.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. I yield. This is a very instructive discussion.

Mr. PATTERSON. Mr. President, as suggested by my colleague [Mr. TELLER], there is a group of States in which a very considerable Mormon population exists besides in Utah, and it has given those of us who have been interested in public affairs cause for considerable thought and investigation.

I have listened with a great deal of interest to the disclosures of the Senator from Utah [Mr. RAWLINS], and they brought to my mind what I have heard given as the probable cause of the intervention of the chief officers of the Mormon Church in the political affairs of the States and Territories in which the Mormon Church has a considerable existence. It might be well enough for Senators to take into consideration with the facts as they have been stated the probable cause.

We all know from history that the Mormons have been, what they believe themselves at least, a persecuted sect. The institution of polygamy has brought them into very serious disrepute with those who believe that the very foundation of society is the institution of monogamous marriages. With antipolygamous laws, with the edict of the church that polygamy should cease,

the antipathy or the odium with which Mormonism was surrounded did not cease to any very considerable extext. The odor of polygamy has clung to the church whether polygamy was exterminated or altogether abandoned or not. It produced a desire in the minds of the leaders of the church to maintain the church and its membership in as favorable a condition to the popular mind as was possible.

The church, I am inclined to think, has been particularly desirous of being in good favor with the Government, if I might use that term, for the purpose of indicating the political power that for the time being was in possession of the Government, the result of which has been that one political party, not because the political party was any more tolerant of polygamy or of the Mormon religion than another political party, has been the chief beneficiary of this intervention by the Mormons of the country as a church, as an organization, in the political affairs of the country, of the States and Territories in which they exist.

We have heard reports of this kind suggested by the Senator from Utah, of those who are interested in political matters outside of Utah sending delegations to high memhers of the church in Utah for intervention by them in behalf of political candidates or a political party. That such appeals have been made there is no doubt. What the success of the appeals has been I have no knowledge. But when it is remembered that the Mormons have, in their opinion, endured persecution, that they are a body of people selected for the weight of the Government hand and the finger of scorn from outside their territory, it is not to be wondered at that the church as a church organization has intermeddled as it has in political and public affairs. Its chief desire is and has been to remain in favor with the party in power. From that party, not because it is a Democratic or a Republican party, but because it is in power, they have expected protection by reason of political favors they were able to, and did, in fact, return.

Hence from the very necessities of the case, from their standpoint at least, we find the condition of things existing that the Senator from Wyoming [Mr. WARREN] has described and the Senator from Maine [Mr. HALE] has denounced, and I do not know how you are going to prevent it. . It is simply a development of human nature in an organization of men and women striving for position, striving for protection, endeavoring to maintain their organization and to strengthen it. They are reaching out along the lines that they see open to them for the favor and support of the Government itself. It would be precisely the same, Mr. President, if some other party were in power. It is not a case of political conviction.

As my colleague [Mr. TELLER] has said, naturally they were protectionists, but that was in a limited sense. They felt in the early days that the distances between their communities in Utah and those to the east and west were sufficient to give them the protection that would enable them to produce and make whatever was necessary for their domestic life and their business progress; but when their Territory was invaded, when it was opened up to settlement, when antagonism, the most bitter that the human mind can conceive of, followed the inroads of the Gentile to the Mormon territory, then, as was natural, they sought for the method by which they could best protect themselves. So this condition of things is not to be wondered at. If there was any other church organization which had undergone the trials that this church organization has undergone, I care not what its religious belief or practices might be, if the sect was large enough and strong enough and powerful enough to become a factor in the political life of the country, we should find that church pursuing precisely the same course that is being pursued by the Mormon Church to-day.

I agree entirely with the Senator from Maine [Mr. HALE] that it is a very deplorable condition of things. I know that in our State we have a very large body of people——

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. With pleasure.

Mr. SPOONER. The Senator from Colorado speaks of the attitude of the Mormon Church in politics to-day, and thinks it perfectly natural, and not dependent in any degree upon any political convictions, but taken in order to secure from the Government—by that I understand the Senator to mean the party for the time being in power——

Mr. PATTERSON. Yes.

Mr. SPOONER. In order to secure protection—the Senator from Utah [Mr. RAWLINS] said "immunity." Protection from what?

Mr. PATTERSON. Protection from public scorn, protection from ignominy, protection from a public sentiment that is likely to be fully as potential upon the lives of those people as some direct attack upon their personal rights and privileges—favor with the Government. I imagine that the Senator from Wisconsin [Mr. SPOONER] and no other Senator will suggest that the person or the body of people who stand in high favor with the government of the State or the Government of the nation, whatever his or their moral status may be, are not in a much better attitude to the people at large and in their own community than he or they would be if they were allowed to drift without that favor. That is the line which I have in mind.

Then, again, I can well understand, if they were desirous of legislation of a certain character which they might not otherwise receive, and which they might deem quite essential for their local betterment and protection that the church—it being a church in this instance that has been pursued, that has been prosecuted, that has been made odious—would naturally seek to ally itself not by a formal treaty but by acts of favor from themselves to the party that happened to be in power in order that their status might thereby be improved.

I was going to suggest, Mr. President, that it is understood that the two or three settlements of Mormons in Colorado vote one way. I do not pretend to say, and I would not say, for I do not believe it, that it is because they have political convictions that way, but because it is the policy which has gradually intruded itself upon them by reason of the necessity that has been crowded upon them; and I think it quite well enough, if denunciation is to be indulged in, if the right of officials to hold positions to which they may have been elected is to be called in question, that the causes, the reasons be taken into consideration, as well as the bald fact that they are members of a church organization which has made itself obnoxious to the body of the American people.

Mr. MCCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. KEAN. Certainly.

Mr. MCCOMAS. Mr. President, I was not present when the Senator from New Hampshire [Mr. GALLINGER] made some criticism of my observations upon the practice of polygamy in Arizona, and when the Senator from Idaho [Mr. DUBOIS] began to talk of the tenets and political and secret practices of the Mormon Church in Utah and adjacent States which seem to be somewhat contaminated by this Mormon influence. I came in, however, in time to hear a part of the observations of the Senator from Idaho, and I listened to all of the remarks of the Senator from Utah [Mr. RAWLINS] and of the Senator from Wyoming [Mr. WARREN]. I was impressed with their frankness and sincerity, but, Mr. President, I was still more impressed with the importance and the significance of the statements I have heard here this afternoon.

We are here engaged in making new States. It seems that not only Utah, but to a great extent Idaho and Wyoming have in a less degree the Mormon problem; Colorado appears to have it to meet, and we have had here to-day instead of solutions of the Mormon question only confessions, explanations, reprobation, mere hope, barren of result, after many years of practical trial in these new statehoods.

I was especially impressed by the statement concerning the secrecy of the priestly methods and supremacy of the first presidency of the Mormon Church. Years ago I saw quite frequently in Utah that remarkable man, Brigham Young, and then observed his power and his talent for organization. I saw and became somewhat familiar with the conditions of the Salt Lake settlement, not yet open, but soon to be opened to the railroads. It was hoped by the Gentiles then that when the railroads came and competition for a livelihood with our people from the States and a stream of new settlers to weaken the Mormon force of numbers would gradually change the then situation, and thus time would make the Mormon question vanish.

I beheld in my youth the hierarchy in absolute control of municipality and Territory; I beheld the domination of a powerful man with his presidency, his councilors, his bishops, and apostles, and an organization which seemed to me then even more effective than the political machinery of Tammany in New York. That organization seems, from the statements made here to-day, to have been not only strong and effective, but to have been enduring, and to have lasted without loss of power down to the present time.

The statement was then made by the Gentiles and their belief then held that when one man with one wife and family, after the opening of the railroads, would come into competition in business with one man with many families necessity would exterminate polygamy, would compel monogamy in the social and domestic life of that very interesting community.

I was impressed then, as all men have been since, by the sobriety, the thrift, the energy, and the patient, persistent advance in wealth and power of that singular people; and I hoped, if they could be rid of this one dark shadow and this one dangerous practice, they would reap the reward of their toil and of their trials,

and would, by the abolition of this practice of polygamy and disappearance of the domination of a secret hierarchy, meet the approval of the people of our country.

But years have gone by and the Territory, as it was when I saw it, is now a State, and this tremendous organization, with its absolute power, with its secrecy, still remains. I was impressed by the remarks of the Senator from Utah, and by his frankness. He wanted to say frankly what he knew in respect of both sides of this case; but when asked whether or not the power of the church in respect to political action was insisted upon and now secretly controlled the Mormon people—that was the substance of the question—the Senator's significant answer was—and he was sincere in his utterance—that he preferred not to make any statement upon that point.

Now, Mr. President, we have hurried along with the preparation and real criticism of this bill very much in the same way the bill for the admission of Utah carelessly went along in the other House ten years ago. I turned to see what was done when Utah became a State, because I wanted to understand why it was that in placing this tremendous proposition before the people, the suffragans of the United States, the only words in the organic act which made Utah a State which would at all relate to, affect, or prohibit these practices, and constrain this secret, irresistible, mysterious, and all-pervading power of the Mormon hierarchy and their support of polygamy, was to be found in a single line:

Provided, That polygamous or plural marriages are forever prohibited.

I wanted to find why it was that in making a State of the Union the Congress of the United States had so incontinently rushed forward with this matter, and I thought, perhaps, an inquiry would relieve my doubt by showing matters which were more restrictive than this single, mild prohibition indicated. I was surprised to find that in the Senate there was no debate on the Utah statehood proposition. The RECORD contains only about thirty lines to tell the story in the Senate of the proffer and passage of the bill making Utah a State.

Mr. President, the report in the Senate on this weighty proposition contains the brief printed matter on the near page of the volume in my hand. [Exhibiting.] There were two reports in the House of Representatives. In 1893, so little and ill consideration did the Senate give to this very serious question, and as a result of this careless haste some of the consequences detailed here today have unhindered followed since Utah has been a State. In the House there happened to be a majority and a minority report.

The majority report was largely signed; the minority report was made by the gallant General Wheeler, of Alabama, who was chairman of the committee, and who desired to put some kind of manacles upon the unhindered Mormon Church, which was left free in the majority report. But the committee ran away from the gallant general. He never ran away from anybody. He did not run away from his proposition in this instance, but the House then seemed to have been in an amiable atmosphere of general consent, very much like that atmosphere which is sought to be infused here when the distinguished Senator from Pennsylvania [Mr. QUAY] daily rises and asks for unanimous consent that a day be fixed for a vote upon a bill which has not been amended and which is only being discussed in one aspect and not much in any other, and which requires the serious discussion which it ought to receive as much as the Utah bill ought to have received discussion in Congress when that Mormon community was made a State of the Union.

I said, Mr. President, that the Utah bill seemed to go by general consent. I find here that on page 178 of the RECORD of December 12, 1893, the present Senator from Utah [Mr. RAWLINS], then being the Delegate in the House of Representatives from Utah, and he more than any man living, seemed to hypnotize the House at that time in getting the organic act through the House of Representatives; but he seems to have been of an opinion at that time somewhat different, I take it, from his opinion now, for he then said:

Governor West, in his report—

The House knew and the country knew that Governor West had been the stern executive endeavoring to put down the Mormon practices in Utah and to compel obedience to the law then in force. I will not take time to read from the Statutes at Large, volume 24, of the Forty-ninth Congress, the entire act known as the "Edmunds Act" at that time, chapter 397, but it has in its first section very important antipolygamy provisions, which enable husband and wife to testify in prosecutions for polygamy. Section 2 provides for the issuance of attachments for witnesses and recognizances. The statute also provides punishments for adultery, which is the crucial punitory provision in any statute against polygamy, and one which should be in every organic act, and which should be in the statutes of the States where the Mormons are numerous before the State be admitted.

The statute also provides punishment for fornication, makes stipulations in regard to prosecutions for adultery, and then imposes restrictions and regulations in respect of marriage ceremonies, certificates of marriage, and their use as prima facie evidence, with punishments for violation of such provisions.

Those are a few of the many drastic but, as it now seems, most necessary restrictions upon the practice of polygamy and restraints upon the power of this great Mormon organization. But at that time men seemed to be hopeful and optimistic, and in this spirit the House discussed the question. The distinguished Senator from Utah then said:

Governor West, in his report as Territorial governor, which I have in my hand, says—

Governor West was much opposed to the church and to polygamy in his administration in Utah—

the practice of polygamy has been abandoned by the church and the people. Polygamous marriages are forbidden by the authorities of the church. The people or church party has been dissolved—

It seems to have gathered its power together quickly again—

and the conditions existing in the Territory are now in no wise different from those in vogue in the States of the Union.

Mr. RAWLINS. Mr. President, I should like to invite the attention of the Senator from Maryland to one point.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Maryland yield to the Senator from Utah?

Mr. McCOMAS. With pleasure.

Mr. RAWLINS. The Senator emphasizes the fact that the Church or People's party had dissolved. That was strictly accurate. Before 1890 there had been a Church party, which was known locally as the "People's party." It was the Mormon party.

Mr. McCOMAS. I remember that.

Mr. RAWLINS. The Gentiles were organized under what was known as the Liberal party. In 1890, prior to that proclamation, the Church or People's party met together and disorganized, disbanded. That was in pursuance of the general declaration that the people should divide as they pleased. But I do not think the governor ever intended, and I did not intend to imply it by reading what the governor had said, that the Mormon Church had disbanded.

Mr. McCOMAS. Oh, no, Mr. President; the words do not say so. I understood precisely what the Senator has so clearly explained. The Mormon party and the anti-Mormon party had been facing each other, and the Mormon party had been dissolved, and soon thereafter the alignment became that of existing political organizations as in the other States of the Union; but when the people's party or the church party was dissolved, it would seem to be an implication from the expression of Governor West, who had battled against the hierarchy there, that there was a time coming when the potential control of the church party had been wiped out by the disorganization of the church party.

We now find, by the revelations of the Senator from Idaho and the Senator from Utah, that secretly, quietly, in the councils of that hierarchy, the resistless control continued, and we shall see presently—because I want to avoid being too lengthy in my statement on this subject—that the Mormon Church has been more persistent, far-reaching, and more effective, perhaps, if less demonstrative, in the control of the State than it was when it controlled the Territory.

What was done in the House regarding polygamy? It was agreed that it had ceased. Much of that is in the debate. It was said it was only an economic question which needs no political solution, which needs no drastic measures. It was said the Edmunds Act and the like had worked their way, too, and polygamy had blanched in the face of the power of the Government and in the face of the competition for a livelihood with Gentiles. The multifamily man of Utah had given before a cheaper monogamous domesticity, like that in the other States of the Union. This and much more like it contented the House. But General Wheeler seems to have had his doubts, earnest man as he was, and when the committee ran away from their serious duty, the chairman seems not to have ran away, because he made a minority report on this matter, and made it especially because of this neglect to put in the Utah statehood bill restrictions upon the Mormon Church and polygamy.

It appears from the minority report of General Wheeler in the House that the Senator from Utah must have hypnotized pretty nearly all of the committee, and he says that the argument before the committee of the Senator from Utah, then a Delegate, had changed the situation of affairs, but that he still adhered to his belief that something must be done to restrict Mormonism. They had something to fight with outside the statehood bill. Mormonism hoped to become a State in the Union. They had the act of the Utah legislature, which does not find a place in the statute books of Arizona and New Mexico, but a very strong provision. Section 12 of the constitution which had been adopted by the

people of Utah when they knocked at the doors of Congress for admission provided:

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months, nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Not by a Mormon governor, mark you, but by the President of the United States. Another section of that Utah constitution made the foregoing provision irrevocable.

As General Wheeler then said, the people of Utah asking admission had thus closed the door against the repeal of that drastic measure to restrain polygamy in Utah, and the Senator from Utah will bear me out—because I do not mean to recite it to the Senate—that a statute immediately following practically followed the same line, providing severe penalties for offenses in the same direction.

What have we here when Senators or members of the House come to frame an omnibus bill for three States? They do not find such a provision in either of the Territories where the Mormons have such a foothold, where they are important, as they are in the State of Idaho from the statement of the Senator from Idaho to a degree. For New Mexico with fewer Mormons, and Arizona with many Mormons, there is no profert of such a provision in the constitution of either. There is no provision even of legislative enactment so far as we can here find out. There is nothing done except to insert, parrot-like, this single line of utterly idle prohibition of the celebration of the rites of plural marriage, which means nothing, is simply wind and sound, without sense, without substance.

Now, Mr. President, following the line of objection of the chairman, General Wheeler proposed an amendment, and I will read a part of it:

But said constitution shall prohibit polygamy or dual marriage, and polygamy or dual marriage shall be declared by such constitution to be felony and punishable by any of the courts of said State of competent jurisdiction by inflicting a fine of not less than $1,000 or more than $5,000, and confinement in the penitentiary for not less than one year or more than five years.

Even that provision, framed by a gallant soldier, perhaps not a lawyer, related simply to the celebration of marriage. In easy frame of mind, the House accepted much less—accepted this proviso of a single line:

Provided, That polygamous or plural marriages are forever prohibited.

And without report or consideration, apparently on the record, without discussion in the Senate, the Utah bill passed, and the statehood bill was sent to the President for his signature.

When they came to frame this bill, in order to meet the confessed presence and growth of Mormonism in Arizona and the like danger in New Mexico, those who framed the statehood bill were in such a great hurry that they added only that single line and no more:

Provided, That polygamous or plural marriages are forever prohibited.

I wish to know, Mr. President, if this weak salve has such a soporific effect upon the mind of any Senator, as it seemed to have upon the mind of my friend the Senator from New Hampshire, who thinks it quite effective. Suppose that line also had been omitted, because it is like a parenthesis—something which can be omitted without altering the sense.

I say most respectfully of the Senate of that time, that when this body, which had time after time debated, and then passed, in 1882 and in 1887, the Edmunds acts amending a section of the Revised Statutes to provide punishment for polygamy and to restrain the Mormon Church and the Mormon practices—if we imitate such action, I think the Senators now would be so negligent that they would be, in the words of Sydney Smith, "guilty of indecent exposure of their intellects" when they performed such an act of statehood with so little attention and with so little exhibition of conscience and serious care for the welfare of the States of this Union—putting a new star in the flag with this smirch and stain upon it, and with no effort, no disposition, apparently, to wipe out polygamy and the control, the iron control, the priestly control of the Mormon hierarchy.

Now, then, what has resulted? The day that Utah became a State, so far as I have had a chance to read this statute, it appears to me that all of the former carefully prepared legislation of Congress lost its efficacy. The act of Congress reached only Territories, and Utah was no longer a Territory. What resulted? Polygamy has continued. Only in the last Congress, not this, for if it were this I could not speak of it——

Mr. RAWLINS rose.

Mr. MCCOMAS. I ask the Senator from Utah whether Mr. Roberts was not elected to the last Congress?

Mr. RAWLINS. Mr. President——

Mr. MCCOMAS. Will the Senator tell me, was Mr. Roberts elected to the last Congress?

Mr. RAWLINS. In 1898.

Mr. MCCOMAS. Yes—the former Congress.

Mr. RAWLINS. Mr. President——

Mr. MCCOMAS. I yield to the Senator.

Mr. RAWLINS. I would like to call the Senator's attention to the statement he just made.

The PRESIDING OFFICER. The Senator from Utah is not in order.

Mr. MCCOMAS. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator must address the Chair before taking the floor.

Mr. RAWLINS. Mr. President, I thought I did address the Chair. I suppose the Chair did not hear me.

The PRESIDING OFFICER. The Senator from Utah.

Mr. RAWLINS. Mr. President, all those provisions of the Federal statutes which were in force at the time of the admission of Utah into the Union, if the Senator will examine, he will find were continued in force by an express provision in the act of Congress under which Utah came into the Union. Of course the legislature elected under the Constitution had the power to supersede that legislation or to repeal it. It subsequently, as a matter of fact, substantially reenacted those laws, and the Federal laws which were in force in the Territory before the admission of Utah as a State are, I think, in all particulars in force to-day, if I remember rightly. I may be mistaken as to the details of legislation.

I will state further that I think every case of polygamy which has come to light since the admission of Utah into the Union has been prosecuted.

Mr. MCCOMAS. Mr. President, I desire to ask the Senator from Utah if he has information from the public press or otherwise whether Mr. Roberts, who was then elected as a member of the House of Representatives, against whom it was charged that he had three living wives in Utah, with whom he cohabited, has been prosecuted for any of those offenses, and has been vindicated or punished therefor?

Mr. RAWLINS. Mr. President, there are at least two offenses relating to polygamy. One is bigamy or polygamy——

Mr. MCCOMAS. Yes.

Mr. RAWLINS. Which is entering into a marriage by a man who already has a lawful wife. Roberts was not amenable to that statute, because the marriages which he contracted were contracted so long before that the offenses were barred.

It was charged that he was guilty of what was known as unlawful cohabitation—that is, living with more than one woman as his wife. He was indicted for that offense and tried and I think convicted by a jury; but I think upon appeal the supreme court held the conviction unlawful, the trial irregular, and that the prosecution had failed to make a case. The judgment was reversed and subsequently the case dismissed. That is as I recollect the proceeding in that matter.

Mr. MCCOMAS. I am very glad the Senator from Utah interrupted me, because he is in the right, and he has made a correction which strengthens my argument.

The nineteenth section of the organic act, as the Senator has said, I now find contains this important provision:

And all laws in force made by said Territory at the time of its admission into the Union shall be enforced in said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect in said State as elsewhere in the United States.

I should like to ask the Senator from Pennsylvania—the distinguished Senator who is so much concerned in the passage of this bill—if he will accept an amendment now to insert in the bill, in respect of Arizona and New Mexico, the provision I have just read, extending the Edmunds Act as a part of the organic law of New Mexico and Arizona?

Mr. QUAY. Mr. President, I was not listening when the Senator from Maryland made his proposition. I am not prepared or authorized just now to accept any amendment to the pending bill, but there is no difficulty, as I said yesterday, about the adoption of the most stringent amendment the Senator can offer to the bill upon the question of polygamy, if he will permit us to have a vote on the bill. The procedure proper for the Senator from Maryland just now seems to be that adopted by the Senator from Texas and the Senator from Georgia. If he has an amendment of that character to propose, he should send it to the Chair to have it printed as an amendment which he will propose to the bill when the proper time comes.

Mr. MCCOMAS. Will the Senator enlighten me as to when will be the proper time to offer the amendment?

Mr. QUAY. When we proceed to take action upon the bill. Will the Senator kindly inform me upon that point?

Mr. MCCOMAS. I have no information upon that subject.

Mr. QUAY. Nor have I.

Mr. McCOMAS. But I can not see why, if I introduce this amendment, I should not be able to be assured of the powerful appreciation and approval of the Senator from Pennsylvania, without regard to the time by the clock when a final vote is reached upon his bill, which we are all desiring to perfect.

Mr. QUAY. Time is of the essence of the findings in everything in relation to this bill. Whenever the Senator is ready to fix a day for a vote upon the bill his amendment can be offered and voted upon.

Mr. McCOMAS. I hope this bill will never pass without a provision at least as strong as that in the Utah act. It is a powerful incentive to a still stronger prohibition when the Senator from Utah rightly corrects me and leads me to read this further provision in the organic act of Utah, prohibiting and tending to prevent polygamy by extending to the State all the Federal laws which then affected the Territory of Utah.

With that provision and with the carefully prepared legislation of 1882 and 1887, if we now find that all these barriers were idle and vain, how ridiculous, how light, how feather-light, how inconsequent, is the single line of the prohibition in this omnibus bill, with nothing in the proposed constitution of Arizona or of New Mexico to restrict polygamy; no extension of the Federal prohibition of polygamy or restriction of Mormon control in the omnibus bill for New Mexico and Arizona. How wrong, I say with all respect, how improvident, how bad it is to offer a statehood bill under these conditions, without having put in the bill those clauses which in Utah have been only partially effective in restraining the practices of the people and the control of the State by the Mormon hierarchy. We ought to take time to better them.

What further resulted? Mr. Roberts came here as a member of Congress. In the exercise of its judgment, its right, and control over the privileges and election of members, the House deposed him from his seat, expelled him from its membership. Whether or not that was wise or legal, we are not here to discuss. But he was reputed to have had three wives, and it seems not to be denied in the debate, if I am right, and the Senator from Utah says that the prosecution which followed was not effective. Here Congress, for the offense, put him out of the pale of its membership, and the marriages having been contracted prior to the enactment of the legislation, he was not within the penalties of the law in respect to the ceremonial rites of polygamous marriage, for his marriage preceded this statute, and for the bigamous or polygamous cohabitation he escaped any conviction, as has been stated by the Senator from Utah.

Mr. President, I have looked in vain in the Federal reports, in the Supreme Court reports, to find whether any construction has ever been given or whether anybody has ever appealed to that single line of prohibition in this enabling act which made Utah a State. I looked in vain, and well I might know I would. Nobody would ever make enough of such an impotent pretense of a restriction as to expect to find any legal efficacy in that single line. It was a good-humored concession by a good-humored Congress that lost control of this subject, that was indifferent to this grave and important matter; and now that line is all that is served up to us again in this bill to restrict the Mormon evil. Roberts, the Mormon, came to Congress, and the present legislature of Utah is a Mormon body. The church has not weakened; it is intrenched in power by statehood.

The distinguished Senator from Pennsylvania says if we offer these amendments in good faith and at the proper time the bill may be so amended. But this bill is now pressed, whether amended or not, and I take notice, and I think the people of the country will take notice, that this bill, without any such restrictions, is here pressed for passage at the present session of Congress and will be pressed so far as I can now see without any amendment in this particular. No court will ever be called upon to enforce the efficacy of that idle and inutile line of ineffective and scant profession of prohibition of polygamous marriages, without any attempt to restrict or restrain polygamous cohabitation, adultery, fornication, or other offenses, or control of marriages or certification of marriages and the like, in the Federal statutes.

Mr. President, I hope I have not any bigotry in my composition. I certainly have no superstition. I saw in the press some time ago that I had refrained from talking on a certain occasion because I had a superstition about the number 13. It makes me smile to think anyone could print a statement so silly. I am not conscious of any superstition. I certainly am not conscious of any bigotry; but at the root of the civilization of the English-speaking people are the home and the home life. We are a people of homes. We are a people of domestic affections and domestic life.

To us the words "father," "mother," "wife," "child" are as sacred, if not more sacred, than the equivalent words in any other tongue to people of any other land. Our States are founded on such a civilization. It is a postulate of the American States' existence. It is the Plymouth Rock of that splendid structure, this Republic. It is the basis wheron we have raised our supremacy in this world. Without the home life, the domestic life, in ever State in this Union we should find in one spot or another a quicksand under the stateliest pile ever reared under the sky, the loftiest civil government the world has known. I speak it not rhetorically. I speak it sincerely.

These words are feeble when compared with those of a distinguished judge of our Supreme Court in a case that came up from Utah, the case of Murphy *v.* Ramsey, in 114 United States, page 45. He had in mind the formation of States and the duty of legislators when dealing with the making of States. The simple and eloquent words, when we are so lightly passing by this danger of polygamy in the new States which it is proposed to make, should be an admonition to every legislator, it seems to me, as they are to myself. Said Justice Matthews, for the Supreme Court:

> If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion can not be avoided that the act of Congress here in question is clearly within that justification. For certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing Commonwealth, fit to rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement. (Murphy *v.* Ramsey, 114 U. S. Reports, 45.)

This court, by that learned judge, in those solemn terms admonishes us, the makers of States, that we must base new States only upon the institution of the family as an Englishman and an American know the family, as Burns saw the cotter's family on Saturday night. We must never again forget that the unit is the family, of which the basis is the domestic life—one man and one wife, happy children, mother, father, sister, brother, yet all a unit in a household; many households making many homes, and all the happy homes saving the State from corruption and from secret conspiracy, from such conditions as this which exists in Utah, conditions extending to Idaho, advancing to Wyoming, already reaching out as a fast-growing power in Arizona, and even invading New Mexico.

I say this is a serious matter, and the admonition of that learned justice, now in his grave, should come home to me, and to everyone else who must vote upon this serious proposition, proposed as it is improvidently, carelessly, heedlessly, without the attempt to hamper this iniquity and this barbarous power similar to that which was made when Utah came into the Union. I protest that the American Senate can, but it never should; it may, but I hope it never will, pass such a bill and be recreant to the moral sentiment of our country and mankind.

Mr. KEAN. Mr. President, I supposed when I yielded the floor this morning that the interruption would be but for a short time and that I might resume and continue my remarks at some length to-day and to describe the condition of New Mexico and come down to Arizona, where I intended to call attention to the question of polygamy; but others seem to have taken up that subject to-day, and I will try to draw their minds away from that subject for a short time and resume the consideration of the admission of the Territory of New Mexico as a State, and state why I object to it.

I was calling attention to the report of the governor of the Territory as to the character and intelligence and industry of these people.

Mr. SCOTT. Will the Senator from New Jersey yield to me to make a motion?

Mr. KEAN. Certainly.

Mr. SCOTT. I move that the Senate do now adjourn,

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senate adjourn.

Mr. QUAY. I desire to say one word.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. QUAY. It is not debatable, but I ask unanimous consent to say a word.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent to say one word. Is there objection? The Chair hears none.

Mr. QUAY. I was about to say that I do not think it is exactly courteous in the Senator from West Virginia to cut off the Senator from New Jersey in the midst of his remarks. He has been sitting here all day patiently waiting to address the Senate. He has been cured of his cold overnight, and to-day his time has been taken from him and confiscated by other Senators. If it were a late hour in the evening I should not object to a motion

to adjourn, but I think certainly the Senator from West Virginia ought to permit the Senator from New Jersey to go on until 5 o'clock. At that time, so far as I am concerned, I will not object to a motion to adjourn.

Mr. ALDRICH. I ask the Senator from West Virginia to make a motion to go into executive session. There are a number of nominations.

Mr. KEAN. I yield to the Senator from Rhode Island. I will try to accommodate myself to the wishes of Senators.

The PRESIDENT pro tempore. Does the Senator from West Virginia withdraw the motion to adjourn?

Mr. SCOTT. I withdraw it. I made it because I thought the Senator from New Jersey was worn out after his extended remarks [laughter] and did not care to go on any further to-day with his argument.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. I ask the Senator from Rhode Island to withhold the motion until 5 o'clock. I will yield to it then. I do not want to ask for the yeas and nays.

Mr. ALDRICH. It will certainly be 5 o'clock before any adjournment can be reached, I suggest to the Senator from Pennsylvania. I think we had better have an executive session.

Mr. QUAY. I think it very discourteous to the Senator from New Jersey under the circumstances.

Mr. ALDRICH. We can hardly——

Mr. QUAY. I stand for the rights and privileges and courtesies of the Senate being extended to the Senator from New Jersey.

Mr. SPOONER. Will the Senator excuse me for a moment? I should like to ask the Senator from New Jersey if he would be offended if the Senate went into executive session?

Mr. KEAN. Not at all. I had no idea, I will say to the Senator from Pennsylvania, what the request of the Senator from West Virginia was when he rose and asked me to yield to him.

Mr. QUAY. I will not object to the motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 6, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1903.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts. A reappointment, his term expiring February 7, 1903.

RECEIVER OF PUBLIC MONEYS.

Otis L. Atherton, of Russell, Kans., to be receiver of public moneys at Wakeeney, Kans., vice Frank W. King, term expired.

PROMOTION IN THE NAVY.

Asst. Engineer Julius A. Kaiser, retired, to be a past assistant engineer in the Navy, on the retired list, from the 13th day of October, 1868, in accordance with an act of Congress approved January 30, 1903.

POSTMASTERS.

ALABAMA.

Spencer J. McMorris, to be postmaster at Wetumpka, in the county of Elmore and State of Alabama. Office became Presidential January 1, 1903.

CALIFORNIA.

Charles H. Dobble, to be postmaster at Palo Alto, in the county of Santa Clara and State of California, in place of George L. Merguire, removed.

Orlando J. Lincoln, to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California, in place of Orlando J. Lincoln. Incumbent's commission expires March 2, 1903.

GEORGIA.

James F. Boughton, to be postmaster at Madison, in the county of Morgan and State of Georgia, in place of James F. Boughton. Incumbent's commission expired January 9, 1903.

ILLINOIS.

Henry K. Brockway, to be postmaster at Barrington, in the county of Cook and State of Illinois. Office became Presidential July 1, 1902.

Clarence F. Buck, to be postmaster at Monmouth, in the county of Warren and State of Illinois, in place of Clarence F. Buck. Incumbent's commission expires February 16, 1903.

John T. Clyne, to be postmaster at Joliet, in the county of Will and State of Illinois, in place of James G. Elwood. Incumbent's commission expires February 21, 1903.

Charles F. Douglas, to be postmaster at Ashland, in the county of Cass and State of Illinois, in place of Charles F. Douglas. Incumbent's commission expired January 31, 1903.

Albert W. Errett, to be postmaster at Kewanee, in the county of Henry and State of Illinois, in place of Albert W. Errett. Incumbent's commission expires February 16, 1903.

Warren M. Heath, to be postmaster at Libertyville, in the county of Lake and State of Illinois. Office became Presidential July 1, 1902.

Clark J. McManis, to be postmaster at Princeton, in the county of Bureau and State of Illinois, in place of Clark J. McManis. Incumbent's commission expires March 3, 1903.

Andrew J. Pickrell, to be postmaster at Anna, in the county of Union and State of Illinois, in place of Paskel C. Willoughby. Incumbent's commission expired May 4, 1902.

James Porter, to be postmaster at Martinsville, in the county of Clark and State of Illinois. Office became Presidential January 1, 1903.

Arthur P. Woodruff, to be postmaster at Savanna, in the county of Carroll and State of Illinois, in place of Arthur P. Woodruff. Incumbent's commission expired January 27, 1903.

INDIANA.

Robert W. Morris, to be postmaster at New Albany, in the county of Floyd and State of Indiana, in place of Robert W. Morris. Incumbent's commission expired January 31, 1903.

David A. Shaw, to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana, in place of Albert Gaylor. Incumbent's commission expires March 3, 1903.

IOWA.

George Hardenbrook, to be postmaster at Maxwell, in the county of Story and State of Iowa, in place of George Hardenbrook. Incumbent's commission expired January 17, 1903.

Abraham Wilkin, to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa, in place of Abraham Wilkin. Incumbent's commission expired January 27, 1903.

KANSAS.

George J. Barker, to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in place of Eldie F. Caldwell. Incumbent's commission expired June 2, 1902.

George Delaney, to be postmaster at Axtell, in the county of Marshall and State of Kansas, in place of George Delaney. Incumbent's commission expired January 17, 1903.

Charles Smith, to be postmaster at Washington, in the county of Washington and State of Kansas, in place of Charles Smith. Incumbent's commission expired January 27, 1903.

Thomas E. Thompson, to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Thomas E. Thompson. Incumbent's commission expires March 2, 1903.

KENTUCKY.

James P. Hutcheson, to be postmaster at Owenton, in the county of Owen and State of Kentucky, in place of James P. Hutcheson. Incumbent's commission expires February 6, 1903.

LOUISIANA.

B. F. Ford, to be postmaster at Natchitoches, in the parish of Natchitoches and State of Louisiana, in place of Jean E. Breda. Incumbent's commission expired March 9, 1902.

MASSACHUSETTS.

Lorenzo B. Crockett, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, in place of Lorenzo B. Crockett. Incumbent's commission expires March 3, 1903.

MICHIGAN.

Martin N. Brady, to be postmaster at Saginaw West Side, in the county of Saginaw and State of Michigan, in place of Martin N. Brady. Incumbent's commission expires March 3, 1903.

Joshua Braun, to be postmaster at Sebewaing, in the county of Huron and State of Michigan. Office became Presidential October 1, 1902.

Charles S. Collier, to be postmaster at Frankfort, in the county of Benzie and State of Michigan, in place of Charles S. Collier. Incumbent's commission expires February 6, 1903.

William R. Cook, to be postmaster at Hastings, in the county of Barry and State of Michigan, in place of William R. Cook. Incumbent's commission expires March 3, 1903.

Victor F. Huntley, to be postmaster at Manton, in the county of Wexford and State of Michigan, in place of Victor F. Huntley. Incumbent's commission expires February 6, 1903.

Archie R. McKinnon, to be postmaster at Shelby, in the county of Oceana and State of Michigan, in place of Archie R. McKinnon. Incumbent's commission expires February 15, 1903.

MINNESOTA.

William Kaiser, to be postmaster at Faribault, in the county of Rice and State of Minnesota, in place of William Kaiser. Incumbent's commission expires February 15, 1903.

MONTANA.

Albert Hollander, to be postmaster at Granite, in the county of Granite and State of Montana. Office became Presidential January 1, 1902.

NEBRASKA.

B. W. McLucas, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in place of George Cross. Incumbent's commission expired January 7, 1903.

NEW JERSEY.

Aaron P. Kachline, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey, in place of Aaron P. Kachline. Incumbent's commission expired January 28, 1903.

Benjamin B. Ogden, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey, in place of Benjamin B. Ogden. Incumbent's commission expired January 28, 1903.

NEW YORK.

Gilmore O. Bush, to be postmaster at Tuxedo Park, in the county of Orange and State of New York, in place of Gilmore O. Bush. Incumbent's commission expires March 2, 1903.

George R. Cornwell, to be postmaster at Penn Yan, in the county of Yates and State of New York, in place of George R. Cornwell. Incumbent's commission expires March 2, 1903.

Edward C. Fisk, to be postmaster at Mayville, in the county of Chautauqua and State of New York, in place of Edward C. Fisk. Incumbent's commission expired January 10, 1902.

Levi M. Gano, to be postmaster at Watkins, in the county of Schuyler and State of New York, in place of Levi M. Gano. Incumbent's commission expired January 13, 1903.

Benjamin E. Jones, to be postmaster at Nunda, in the county of Livingston and State of New York, in place of Benjamin E. Jones. Incumbent's commission expires February 15, 1903.

George G. McAdam, to be postmaster at Rome, in the county of Oneida and State of New York, in place of George G. McAdam. Incumbent's commission expired January 28, 1903.

John H. McIntosh, to be postmaster at Canton, in the county of St. Lawrence and State of New York, in place of John H. McIntosh. Incumbent's commission expires March 3, 1903.

NORTH DAKOTA.

Hary Leighton, to be postmaster at Cavalier, in the county of Pembina and State of North Dakota. Office became Presidential January 1, 1903.

Gustave B. Metzger, to be postmaster at Williston, in the county of Williams and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Aaron Brining, to be postmaster at Versailles, in the county of Darke and State of Ohio, in place of Aaron Brining. Incumbent's commission expired January 31, 1903.

PENNSYLVANIA.

Howard E. Butz, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania, in place of Howard E. Butz. Incumbent's commission expires February 15, 1903.

John B. Griffiths, to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, in place of John B. Griffiths. Incumbent's commission expires March 3, 1903.

William H. H. Lea, to be postmaster at Carnegie, in the county of Allegheny and State of Pennsylvania, in place of William H. H. Lea. Incumbent's commission expires March 3, 1903.

Nathaniel B. Miller, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in place of Nathaniel B. Miller. Incumbent's commission expires March 3, 1903.

Herman H. North, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania, in place of Herman H. North. Incumbent's commission expires February 20, 1903.

W. W. Reber, to be postmaster at Lehighton, in the county of Carbon and State of Pennsylvania, in place of Benjamin J. Kuntz. Incumbent's commission expired March 16, 1902.

Joseph S. Taylor, to be postmaster at Morrisville, in the county of Bucks and State of Pennsylvania. Office became Presidential October 1, 1902.

James N. Weaver, to be postmaster at Sayre, in the county of Bradford and State of Pennsylvania, in place of James N. Weaver. Incumbent's commission expires March 3, 1903.

SOUTH CAROLINA.

Alonzo D. Webster, to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in place of Alonzo D. Webster. Incumbent's commission expires March 3, 1903.

TENNESSEE.

John T. Hale, to be postmaster at Trenton, in the county of Gibson and State of Tennessee, in place of John T. Hale. Incumbent's commission expires March 3, 1903.

VERMONT.

Stanley R. Bryant, to be postmaster at Windsor, in the county of Windsor and State of Vermont, in place of Stanley R. Bryant. Incumbent's commission expired January 19, 1903.

WEST VIRGINIA.

James B. Campbell, to be postmaster at New Cumberland, in the county of Hancock and State of West Virginia, in place of James B. Campbell. Incumbent's commission expired January 24, 1903.

WISCONSIN.

Arthur W. James, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin, in place of Arthur W. James. Incumbent's commission expires February 13, 1903.

Eldon D. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Eldon W. Woodworth, to correct name.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1903.

CONSUL.

William H. Bishop, of Connecticut, to be consul of the United States at Genoa, Italy.

COLLECTOR OF CUSTOMS.

Walter Fifield, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey.

SURVEYOR OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Gregorio M. Guiteras, of South Carolina, to be a surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

PENNSYLVANIA.

Edward W. Hannum, to be postmaster at Swarthmore, in the county of Delaware and State of Pennsylvania.

William F. Brittain, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

Henry M. Brownback, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania.

David C. Rhoads, to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania.

Elsie Shrodes, to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania.

Howard S. Stillwagon, to be postmaster at Rosemont, in the county of Montgomery and State of Pennsylvania.

David M. Turner, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

George S. Baldwin, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 5, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question now before the House is on the motion to amend the motion to recommit the Post-Office appropriation bill, and the yeas and nays are ordered. Those in favor of the motion to amend the motion to recommit will answer "yes" when their names are called, and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 100, nays 121, answering "present" 14, not voting 117; as follows:

YEAS—100.

Allen, Ky.	Dinsmore,	Lawrence,	Rucker,
Allen, Me.	Dougherty,	Lever,	Russell,
Ball, Del.	Dovener,	Little,	Shallenberger,
Barney,	Driscoll,	Lloyd,	Sheppard,
Beidler,	Esch,	McCall,	Slayden,
Billmeyer,	Feely,	McCulloch,	Smith, Ky.
Bishop,	Fleming,	McLachlan,	Smith, H. C.
Bromwell,	Fordney,	McRae,	Snook,
Brown,	Foss,	Miers, Ind.	Southard,
Brundidge,	Foster, Ill.	Minor,	Stark,
Burgess,	Gaines, Tenn.	Moody, Oreg.	Stevens, Minn.
Burke, S. Dak.	Gaines, W. Va.	Needham,	Storm,
Burkett,	Gilbert,	Otjen,	Sulzer,
Burleson,	Graff,	Palmer,	Sutherland,
Burton,	Griffith,	Parker,	Talbert,
Cassingham,	Grosvenor,	Patterson, Tenn.	Tawney,
Clark,	Hamilton,	Payne,	Tirrell,
Cooper, Wis.	Henry, Tex.	Perkins,	Vandiver,
Corliss,	Hitt,	Powers, Mass.	Warnock,
Cromer,	Jones, Va.	Randell, Tex.	Weeks,
Crumpacker,	Jones, Wash.	Reid,	White,
Currier,	Kern,	Rixey,	Williams, Ill.
Cushman,	Kitchin, Claude	Robb.	Woods,
Davidson,	Kitchin, Wm. W.	Roberts,	Wooten,
De Armond,	Kleberg,	Robinson, Ind.	Zenor.

NAYS—121.

Acheson,	Evans,	Landis,	Robertson, La.
Adams,	Fitzgerald,	Lessler,	Ryan,
Adamson,	Fletcher,	Lewis, Ga.	Schirm,
Alexander,	Flood,	Lewis, Pa.	Scott,
Babcock,	Foerderer,	Lindsay,	Shattuc,
Bankhead,	Foster, Vt.	Littlefield,	Shelden,
Bartlett,	Fowler,	Livingston,	Sibley,
Bates,	Fox,	Loudenslager,	Skiles,
Blackburn,	Gardner, N. J.	McClellan,	Small,
Boreing,	Gibson,	McLain,	Smith, Ill.
Brandegee,	Goldfogle,	Maddox,	Sparkman,
Brantley,	Graham,	Metcalf,	Spight,
Breazeale,	Green, Pa.	Mickey,	Steele,
Brick,	Greene, Mass.	Miller,	Sulloway,
Broussard,	Griggs,	Mondell,	Tate,
Bull,	Hanbury,	Morgan,	Tayler, Ohio
Burnett,	Haskins,	Morrell,	Taylor, Ala.
Butler, Pa.	Hay,	Moss,	Thayer,
Caldwell,	Heatwole,	Mutchler,	Thomas, Iowa
Capron,	Hepburn,	Nevin,	Thomas, N. C.
Cassel,	Hopkins,	Norton,	Thompson,
Clayton,	Hull,	Olmsted,	Underwood,
Coombs,	Irwin,	Overstreet,	Vreeland,
Cowherd,	Jackson, Kans.	Padgett,	Wachter,
Curtis,	Johnson,	Patterson, Pa.	Wanger,
Davey, La.	Kehoe,	Pou,	Wheeler,
Deemer,	Ketcham,	Prince,	Wiley,
Dick,	Kluttz,	Ransdell, La.	Young.
Douglas,	Knapp,	Reeder,	
Draper,	Lacey,	Richardson, Ala.	
Emerson,	Lamb,	Richardson, Tenn.	

ANSWERED "PRESENT"—14.

Ball, Tex.	Gill,	Maynard,	Van Voorhis,
Boutell,	Jenkins,	Moon,	Williams, Miss.
Brownlow,	Loud,	Ruppert,	
Finley,	Mann,	Sims,	

NOT VOTING—117.

Aplin,	Dayton,	Joy,	Rhea,
Bartholdt,	Dwight,	Kahn,	Robinson, Nebr.
Bell,	Eddy,	Knox,	Scarborough,
Bellamy,	Edwards,	Kyle,	Selby,
Belmont,	Elliott,	Lassiter,	Shackleford,
Benton,	Flanagan,	Latimer,	Shafroth,
Bingham,	Gardner, Mass.	Lester,	Sherman,
Blakeney,	Gardner, Mich.	Littauer,	Showalter,
Bowersock,	Gillet, N. Y.	Long,	Smith, Iowa
Bowie,	Gillett, Mass.	Lovering,	Smith, S. W.
Bristow,	Glass,	McAndrews,	Smith, Wm. Alden
Burk, Pa.	Glenn,	McCleary,	Snodgrass,
Burleigh,	Gooch,	McDermott,	Southwick,
Butler, Mo.	Gordon,	Mahon,	Sperry,
Calderhead,	Grow,	Mahoney,	Stephens, Tex.
Candler,	Haugen,	Marshall,	Stewart, N. J.
Cannon,	Hedge,	Martin,	Stewart, N. Y.
Cochran,	Hemenway,	Mercer,	Swann,
Connell,	Henry, Conn.	Meyer, La.	Swanson,
Conner,	Henry, Miss.	Moody, N. C.	Tompkins, N. Y.
Conry,	Hildebrant,	Morris,	Tompkins, Ohio
Cooney,	Hill,	Mudd,	Trimble,
Cooper, Tex.	Holliday,	Naphen,	Wadsworth,
Cousins,	Hooker,	Neville,	Warner,
Creamer,	Howard,	Newlands,	Watson,
Crowley,	Howell,	Pearre,	Wilson,
Dahle,	Hughes,	Pierce,	Wright.
Dalzell,	Jack,	Powers, Me.	
Darragh,	Jackson, Md.	Pugsley,	
Davis, Fla.	Jett,	Reeves,	

So the motion of Mr. TALBERT was rejected.

The following pairs were announced.

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROWNLOW with Mr. PIERCE.

Mr. KAHN with Mr. BELMONT.

Mr. MANN with Mr. JETT.

Until further notice:

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LONG with Mr. NEWLANDS.

Mr. MORRIS with Mr. GLASS.

Mr. SHOWALTER with Mr. LATIMER.

Mr. HUGHES with Mr. TRIMBLE.

Mr. HOWELL with Mr. MCDERMOTT.

For this day:

Mr. BRISTOW with Mr. BELL.

Mr. SAMUEL W. SMITH with Mr. BELLAMY.

Mr. WM. ALDEN SMITH with Mr. CONRY.

Mr. MOODY of North Carolina with Mr. COONEY.

Mr. CONNER with Mr. FLANAGAN.

Mr. DALZELL with Mr. HENRY of Mississippi.

Mr. GILLET of New York with Mr. GOOCH.

Mr. GROW with Mr. HOOKER.

Mr. HEMENWAY with Mr. SHAFROTH.

Mr. HEDGE with Mr. LASSITER.

Mr. LITTAUER with Mr. LESTER.

Mr. PEARRE with Mr. SELBY.

Mr. MCCLEARY with Mr. ROBINSON of Nebraska.

Mr. WRIGHT with Mr. HOWARD.

Mr. SOUTHWICK with Mr. SNODGRASS.

Mr. WATSON with Mr. SWANN.

Mr. MUDD with Mr. NEVILLE.

Mr. SMITH of Iowa with Mr. CROWLEY.

Mr. STEWART of New Jersey with Mr. MAHONEY.

Mr. SPERRY with Mr. WILSON.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. GILL with Mr. EDWARDS.

Mr. MAHON with Mr. SCARBOROUGH.

Mr. JOY with Mr. MCANDREWS.

Mr. HENRY of Connecticut with Mr. BOWIE.

Mr. COUSINS with Mr. CREAMER.

Mr. JACK with Mr. FINLEY.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MARTIN with Mr. GLENN.

Mr. BURK of Pennsylvania with Mr. DAVIS of Florida.

Mr. JENKINS with Mr. NAPHEN.

Mr. DWIGHT with Mr. PUGSLEY.

Mr. WADSWORTH with Mr. SIMS.

On this vote:

Mr. MEYER of Louisiana with Mr. MOON.

Mr. BARTHOLDT with Mr. SHACKLEFORD.

Mr. CANNON with Mr. BENTON.

Mr. HAUGEN with Mr. RHEA.

Mr. BINGHAM with Mr. COOPER of Texas.

Mr. BURLEIGH with Mr. COCHRAN.

Mr. DARRAGH with Mr. SWANSON.

Mr. GARDNER of Michigan with Mr. BALL of Texas.

Mr. GARDNER of Massachusetts with Mr. ELLIOTT.

Mr. MERCER with Mr. STEPHENS of Texas.

Mr. CANDLER (for the bill) with Mr. WILLIAMS of Mississippi (against).

Mr. WILLIAMS of Mississippi. I desire to withdraw my vote and be recorded "present," as I am paired with my colleague [Mr. CANDLER], who is sick.

The result of the vote was announced as above stated.

The SPEAKER pro tempore (Mr. LACEY). The question is now upon the motion to recommit.

The motion was rejected.

The bill was then passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. I wish to call up the conference report submitted yesterday upon the consular and diplomatic bill. This report, with the statement of the House conferees, has already been printed in the RECORD. I ask that the reading of the report, which is hardly intelligible to one not familiar with the subject, be dispensed with, and that the statement of the House conferees be read instead.

Mr. RICHARDSON of Tennessee. I wish to ask whether this report is final?

Mr. HITT. It is the last report, and is unanimous.

Mr. RICHARDSON of Tennessee. I have no objection to the request.

The SPEAKER pro tempore. In the absence of objection, the request of the gentleman from Illinois [Mr. HITT] will be agreed to.

There was no objection.

The statement of the House conferees was then read.

[The conference report with the statement will be found on page 1714.]

Mr. HITT. Mr. Speaker, the statement just read recites every item that was changed or dealt with by your conferees, and does this so clearly that I can not add anything to it. The amount involved in these amendments is not large. I move that the report be adopted.

The question being taken, the conference report was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the report was adopted was laid on the table.

INCREASED PENSIONS TO THOSE WHO HAVE LOST LIMBS.

Mr. SULLOWAY. Mr. Speaker, I call up the conference report on the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, and ask unanimous consent that the reading of the report be dispensed with, and that the statement instead be read.

The SPEAKER pro tempore. The gentleman from New Hampshire calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Is there objection?

There was no objection.

The Clerk read the statement.

[For statement and conference report, see page 1714.]

Mr. SULLOWAY. Mr. Speaker, I move that the House agree to the conference report as to amendments numbered 4, 5, and 7, and further insist on its other amendments, and ask for a further conference thereon.

The SPEAKER pro tempore. The question will be first on agreeing to the report as to amendments 4, 5, and 7.

The question was taken and the report agreed to.

The SPEAKER pro tempore. The gentleman from New Hampshire moves to further insist on the remaining amendments and ask for a conference thereon.

The question was taken and the motion agreed to.

The SPEAKER pro tempore announced the following conferees on the part of the House: Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

On motion of Mr. SULLOWAY, a motion to reconsider the last two votes was laid on the table.

TERMS OF COURT IN DISTRICT OF UTAH.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report on the bill (S. 149) to provide for holding terms of court in the district of Utah, and ask that the report and the statement of the House conferees be printed in the RECORD under the rules.

The SPEAKER pro tempore. The gentleman from Wisconsin submits a conference report and statement, which will be printed in the RECORD.

The report of the committee is as follows:

The committee of conference on the disagreeing votes between the two Houses on Senate bill No. 149, to provide for holding terms of court in the district of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to said act and agree to the same with the following amendments:

Strike out the words "September, January, and," in line 6 of the said Senate act, and insert after the word "April," in line 6, the following: "and November, and at Ogden City on the second Monday in March and September."

Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."

Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act when so amended will read as follows:

"That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November, and at Ogden City on the second Monday in March and September of each year: *Provided*, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

Respectfully submitted.

JOHN J. JENKINS,
RICHARD WAYNE PARKER,
D. A. DE ARMOND,
Managers on the part of the House.
GEO. F. HOAR.
JO. C. S. BLACKBURN,
J. L. RAWLINS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The committee of conference agree that the House recede from its amendments to said act, and agree to the same with the following amendments:

Strike out the words "September, January, and" in line 6 of the Senate act, and insert after the word "April," in line 6, the following: "and November, and at Ogden City on the second Monday in March and September."

Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."

Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act when so amended will read as follows:

"That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November, and at Ogden City on the second Monday in March and September of each year: *Provided*, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

JOHN J. JENKINS.
D. A. DE ARMOND.
RICHARD WAYNE PARKER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6773. An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 16630. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for the holding of the United States district and circuit courts in the northern and middle districts of Alabama;

H. R. 9503. An act to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

H. J. Res. 184. An act requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration;

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York;

H. R. 647. An act for the relief of William P. Marshall; and

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899.

GENERAL STAFF BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill H. R. 15449, the general staff bill, may be taken from the Speaker's stable, that the amendments of the Senate be nonconcurred in, and that we ask for a conference thereon. I will state that the Committee on Military Affairs has authorized me to make this motion.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 15449, the general staff bill; to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore announced the following conferees on the part of the House: Mr. HULL, Mr. PARKER, Mr. SULZER.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am also authorized by the Committee on Military Affairs to ask unanimous consent that the bill (H. R. 16567) to increase the efficiency of the Army be taken from the Speaker's table, that the Senate amendments be nonconcurred in, and that the House ask for a conference.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill H. R. 16567, the Army appropriation bill, be taken from the Speaker's table, the Senate amendments nonconcurred in, and that the House ask for a conference thereon. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee a question with reference to one or two items in this bill, and particularly to learn what opportunity the House will have to pass upon those items, if any, without the rejection of all of the amendments made by the Senate.

Mr. GROSVENOR. Mr. Speaker, I do not feel authorized to consent to this occupation of time.

Mr. HULL. If the gentleman from Ohio will wait one minute, I want to say to my friend from Texas [Mr. SLAYDEN] that this matter was considered by the committee this morning. The gentleman, of course, was present, and the opposition of the committee to some of the amendments is the same as that of my friend. There is a very large amount of legislation on this bill, much of which the House, in my judgment, will not agree to at all; but in order to get at work on the bill, with the hope of getting it through in the next three weeks, it does seem to me that it ought to go to conference this morning, and I hope no objection will be made.

Mr. SLAYDEN. Mr. Speaker, I have no desire to delay the consideration of the bill at all, but I do want the House to have an opportunity to vote on two or three amendments in that bill. I will mention them. One is that paragraph which authorizes officers of the Army to deposit their money with the Government through the paymaster, and to receive 3 per cent interest thereon. I do not believe that it ought to pass. The officers of the Army do not want it. The other is that section——

Mr. GROSVENOR. Mr. Speaker, I am not willing that this informal debate should go on. I do not yield for that purpose.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. SULZER. Mr. Speaker, I trust there will be no objection to the request of the gentleman from Iowa.

The SPEAKER pro tempore. Objection has already been made.

Mr. SULZER. By whom?

The SPEAKER pro tempore. By the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Unless the motion can be put at once.

Mr. HULL. Well, it can be put at once. I ask the Chair to submit the request again.

The SPEAKER pro tempore. The gentleman from Iowa renews his request. Is there objection?

Mr. SLAYDEN. Mr. Speaker, unless I can be assured that we can have an opportunity to vote on these amendments singly, and not be compelled to accept or reject the Senate amendments en bloc, I shall be forced to object.

Mr. SULZER. You can have that opportunity.

Mr. SLAYDEN. I will see whether I can.

Mr. HULL. Then I ask that the bill be referred to the Committee on Military Affairs. If the gentleman from Texas wants to put himself in that position, he can do it.

Mr. CANNON. I hope the gentleman will take an order to have the amendments printed and numbered.

Mr. HULL. Mr. Speaker, I understand that will be done.

PERSONS ACCUSED OF CRIME IN THE PHILIPPINE ISLANDS.

The SPEAKER pro tempore laid before the House the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

RAILROAD LAND GRANTS IN THE ARID REGIONS.

Mr. MOODY of Oregon. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 15008, corrected so as to conform to the report, and a reprint of the amended report.

The SPEAKER pro tempore. The gentleman from Oregon asks for a reprint of the amended bill and report. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid regions.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. What is the request?

The SPEAKER pro tempore. For the reprint of a bill and report that is out of print.

Mr. RICHARDSON of Tennessee. Just a reprint of the bill?

The SPEAKER pro tempore. And to make a correction. The first print contained a typographical error.

Mr. RICHARDSON of Tennessee. All right.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRINT OF H. R. 17.

Mr. GROSVENOR. Mr. Speaker, before making a report from the Committee on Rules, I ask unanimous consent for a reprint of House bill No. 17, the bill which is to be considered to-day.

The SPEAKER pro tempore. The gentleman from Ohio asks for a reprint of House bill No. 17. The Clerk will report the title.

The Clerk read the title of the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GROSVENOR. My request includes the report also.

The SPEAKER pro tempore. That the bill and the report also be reprinted. Is there objection?

There was no objection.

TRUSTS.

Mr. GROSVENOR. Mr. Speaker, I make the following privileged report.

The SPEAKER pro tempore. The gentleman from Ohio makes the following privileged report from the Committee on Rules.

Mr. GROSVENOR. Mr. Speaker, I hope the House will give its attention, so that the rule may not have to be reread so often.

The SPEAKER pro tempore. The House will be in order and attend to the reading of the resolution and report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 419, have had the same under consideration, and report the following in lieu thereof:

Resolved, That immediately upon the adoption of this rule it shall be in order to consider in the House the bill (H. R. 16458) to expedite the hearing of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" and after one hour of consideration, or so much thereof as may be necessary, the previous question shall be considered as ordered on said bill and pending amendments; and that so soon as the said bill H. R. 16458 shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part; and general debate on said bill shall continue for ten hours, when the amendment in the nature of a substitute recommended by the Committee on the Judiciary shall be read for amendment under the five-minute rule, and after three hours, unless said consideration under the five-minute rule shall be sooner concluded, the Committee of the Whole shall rise and report the bill with the substitute amendment as perfected by the Committee of the Whole; whereupon, without debate or intervening motion, the vote shall be taken on said amendment and the bill to final passage: *And provided further*, That on the legislative day succeeding the one on which this order shall begin to operate, the House shall meet at 10 a. m.; and that all members have leave for five days to print on the subjects of either of the bills referred to in this order.

Mr. GROSVENOR. Mr. Speaker, I am authorized by the Committee on Rules, acting through the members now on the floor, to offer the following amendment to the report just read; and when it is read by the Clerk I will make a statement of its effect on the rule.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the words "pending amendments:"

"*Provided*, That if before the consideration of the above-mentioned bill shall have been concluded the bill S. 6773, relating to the same subject-matter, shall have been received from the Senate, it shall be taken from the Speaker's table and substituted for consideration in lieu of the said bill H. R. 16458, and shall be considered in all respects as the bill H. R. 16458 would have been considered under the terms of this order."

Also, after the words "so soon as the said bill H. R. 16458," insert "or the bill S. 6773."

Mr. GROSVENOR. Mr. Speaker, the effect of the amendment which is now offered is to make it in order for the House to substitute for the House bill the Senate bill which the Senate passed on yesterday, which is the same as the bill which we call the expediting bill, a bill upon which there is a unanimous report of the Committee on the Judiciary. That bill has since been received by the House, and this amendment simply allows the House to substitute the Senate bill.

Mr. RICHARDSON of Tennessee. Do I understand the gentleman to say that the Senate bill is identical in its provisions with the House bill?

Mr. GROSVENOR. Identical in its provisions, as I am informed.

Mr. LITTLEFIELD. With the exception of two formal amendments that I shall offer when the bill comes up.

Mr. GROSVENOR. I am talking of the bill as it came over from the Senate.

Mr. FLEMING. Will the gentleman from Ohio allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. FLEMING. And that is whether, if this rule is adopted in the form in which you have presented it, it will give perfect freedom in amendments of the House bill which this refers to?

Mr. GROSVENOR. If the gentleman will wait until the amendment which I have offered is agreed to, I will explain that to the House.

Mr. FLEMING. Any time the gentleman sees fit to give an answer; but I would like to know before we go further.

The SPEAKER pro tempore. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is now on agreeing to the resolution.

Mr. FLEMING. Now, I would like to have the gentleman answer me.

Mr. GROSVENOR. That I will gladly do. The effect of the resolution if adopted as amended will be to bring up at once the expediting bill here in the House. There is a limitation in the rule, that not more than one hour's debate can be used upon that bill. Then the particular bill which the gentleman is cognizant of will come at once in the Committee of the Whole. At the end of ten hours of general debate this bill will be read during three hours under the five-minute rule for amendment, and there, of course, will be full liberty of amendment; but it is in the Committee of the Whole, as the gentleman will understand. Thereupon the bill will be brought back into the House, with the previous question considered as ordered upon the bill, and such amendments as may have been agreed to, to the final passage.

Mr. FLEMING. Does this rule cut off all possibility of amendment in the House?

Mr. GROSVENOR. It does.

Mr. FLEMING. No amendment can be offered in the House?

Mr. GROSVENOR. No amendment can be offered in the House. I want to be perfectly frank about it—it will not be in order to move to recommit with instructions.

Mr. HOPKINS (to Mr. GROSVENOR). But there is full opportunity for amendment in committee.

Mr. GROSVENOR. I have stated that very fully. I reserve the balance of my time upon the question of the adoption of the rule.

Mr. RICHARDSON of Tennessee and Mr. SMITH of Kentucky rose.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized.

Mr. SMITH of Kentucky. Mr. Speaker, I want to ask the gentleman from Ohio a question. The minority have suggested several amendments to the principal bill (H. R. 17) and I want to know if under this rule it will be possible to have a record vote upon any of these amendments.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Tennessee.

Mr. GROSVENOR. I will say to the gentleman that it will not.

Mr. RICHARDSON of Tennessee. I will yield to the gentleman from Kentucky.

Mr. GROSVENOR. Mr. Speaker, I have not yielded the floor.

The SPEAKER pro tempore. The Chair understood the gentleman from Ohio had yielded the floor, and the Chair has recognized the gentleman from Tennessee.

Mr. GROSVENOR. The Chair must have misunderstood me. I will yield to the gentleman from Tennessee to ask a question, and if the gentleman wants time he can have it.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Ohio had closed his remarks.

Mr. GROSVENOR. No; but I am ready to yield to the gentleman from Tennessee such time as he may require.

Mr. RICHARDSON of Tennessee. The rule gives us twenty minutes on a side, and I insist on my twenty minutes under the rule.

The SPEAKER pro tempore. The previous question has not been ordered or asked for.

Mr. RICHARDSON of Tennessee. I understand we have twenty minutes to debate the rule.

The SPEAKER pro tempore. Not unless the previous question has been ordered.

Mr. GROSVENOR. Mr. Speaker, I am willing to yield to the gentleman from Tennessee twenty minutes.

Mr. RICHARDSON of Tennessee. But the rule of the House gives me twenty minutes.

Mr. GROSVENOR. The previous question has not been ordered. Mr. Speaker, I will demand the previous question.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PAYNE. This question has been debated, and if the previous question is ordered now will it not cut off all further debate?

The SPEAKER pro tempore. It certainly would.

Mr. PAYNE. I do not want the gentleman from Tennessee to labor under a mistake.

Mr. RICHARDSON of Tennessee. I did not suppose the gentleman from Ohio wanted to cut off the forty minutes' debate.

Mr. GROSVENOR. I do not, and I offer to yield to the gentleman from Tennessee twenty minutes or any other time.

Mr. RICHARDSON of Tennessee. I do not care to accept twenty minutes that is allowed under the rule.

Mr. GROSVENOR. The gentleman or I misunderstands the rules of the House. This proposition has been submitted to the House, debated, and if no previous question has been demanded, therefore I have the right to occupy the floor an hour.

Mr. RICHARDSON of Tennessee. I understood the gentleman to agree that we should have forty minutes' debate.

Mr. GROSVENOR. And I am ready to carry it out. I will yield the gentleman from Tennessee twenty minutes. This is all due to a misunderstanding.

Mr. RICHARDSON of Tennessee. Well, that is all I desire, and I do not think I shall use all of the twenty minutes, and if any gentleman on this side desires to occupy a portion of this time I will yield to him.

My object in taking the floor is to explain the effect of the rule which has been presented by the gentleman from Ohio, and to protest against its provisions.

The rule first provides that the bill known as the expediting bill shall first be considered by the House, and, if it is desired, it may be considered for one hour under the rule. I take it there is no gentleman on this side of the House who is opposed to the first bill—this bill—which has for its object and purpose expediting in the courts the hearing of suits under the original anti-trust act known as the Sherman law. The object of the first bill is to hasten cases under that act, and we are all ready to vote for that without any rule.

The rule further provides as to the other trust measure reported as a substitute for House bill 17 that there shall be thirteen hours of debate—ten hours in general debate and three hours' debate for the purpose of amendment under the five-minute rule in Committee of the Whole—and then, after the thirteen hours' debate, the bill shall be reported to the House and, without intervening motion, the bill shall be put upon its passage. This means, of course, that in the House there will be no opportunity to move to recommit this bill with instructions or to amend it in any form or fashion or to present any substitute for the measure as presented by the committee and matured or perfected in Committee of the Whole. Of course we understand, Mr. Speaker, that in Committee of the Whole, after the ten hours of general debate, the bill will be read under the five-minute rule for amendment in committee. That means there will be no record vote upon any amendment proposed, debated, or voted upon in Committee of the Whole. It means, further, that there can be no record vote in the House upon amendment or substitute after the bill is matured or perfected in Committee of the Whole, and therefore the only record vote that can be had, upon the other hand, upon either under this rule will be the vote upon the passage of the bill reported from the Committee of the Whole.

Now, I say that is unjust, Mr. Speaker. It is unjust and unusual. It may be that modes of procedure of this kind are excusable in great political exigencies and emergencies. Where a political party has not the time or is afraid, as sometimes is the case, and it is a political question and a record might be made that would be embarrassing or something of that kind, it might excuse the party from a record vote. But there is no sort of excuse now for the majority in control of this House to deny the minority a record vote upon propositions that they may offer to restrain the trusts in this country or to place restrictions upon them. Why should you do it? Are you afraid that we shall present something that you can not vote for and the rejection of which will damage or injure you before the people of the country? What else can it be?

We may not agree with you, and we do not agree with you, as to the remedy for the regulation and control of trusts. You have brought a measure here which you say will assist in their control and government, and we all wish some measure of that kind passed by Congress. We differ from you as to the method of treating this case; but you say to us, "You are to vote upon the bill as we present it, or you shall have no record vote at all. You can not present any remedy of your own, but you must go to the country on a record vote on the proposition we desire to present."

Now, I say there is no reason why that should be so. I know very well, and I think the country knows, why the majority on this floor refuse to allow the minority to present their remedy for the control of the trusts. They fear that the remedy we would present would be more effectual in the suppression and control of the trusts than the measure they will present. And, to get a little closer to the subject, you are afraid that we shall present some remedy in the shape of tariff taxation, the reduction of the rates of duty upon trust-protected articles, which build up and foster the trusts of this country, and you do not want to go on record in opposition to such a measure. [Applause on the Democratic side.]

Now, be honest with yourselves and answer me: Is not that the reason, and the only reason, that you will not permit this side of the House to offer amendments to the bill and get a record vote upon them? I know it, and you know it. I take it, no gentleman on the other side of the House will have the temerity to stand up in his place and say that he is willing to give this side of the House an opportunity to present tariff-reform amendments which would effectually impair, if not totally destroy, the power of the trusts to injure the commercial and business interests of this country, and give us a vote upon them. No gentleman will say that in resorting to this rule the majority have any other motive than that I have assigned—that is, that they are unwilling to give us such a record vote.

Now, the question is, What are we of the minority to do in this emergency? The majority present this cast-iron rule, and say, "You must take this measure as we present it or you shall have nothing." For myself, I am prepared to say that I am ready to vote for any measure, however weak it may be, if it tends to improve the conditions under which we labor in this country in respect to the government of trusts. If your measure is one little short step in the direction of a better management and control of trusts, I will vote for it. I take it that your measure is a step in that direction. It is not, in my judgment, what we ought to pass. I know we shall not get an opportunity to vote for such a measure as we ought to pass. We can hardly expect the majority in this House to give us such an opportunity. We shall not be in a position to offer the proper amendments to improve the present law or the bill which you now tender us, and which you propose to pass through the House.

I have never believed, Mr. Speaker, that we are going to have any trust legislation during this session of Congress. I am not a prophet, I do not pretend to know what is going to happen, but I doubt very much if we are to have any legislation during this session of Congress which will be effectual in the control and government of trusts.

When this measure comes to be voted upon I take it that every gentleman here will vote for it—at least every gentleman will do so who believes that it is even one short step in the direction of a proper management and control of these organizations. It is largely a subterfuge. It is not intended to be an honest, straightforward, rigid measure for the control and management of these organizations. It is a makeshift; it is a pretense; it is not what the country expects; it is not what you promised in the late campaign. In passing this measure you carry the question over to the next session of Congress.

Mr. Speaker, I do not care to take up more time in discussing this rule. I shall not oppose the rule nor shall I ask this side of the House to vote against its adoption, because if we do not pass this rule this morning and consider your proposed measure and

pass it, even in its present form, or as it may be amended in the Committee of the Whole, there will be no legislation during this session of Congress. We would like to amend the rule so as to allow us to offer amendments for the better control of trusts. We can not do that unless we vote down the demand for the previous question. I take it, you have votes enough to pass your rule.

I take it that you will pass it. When it has been passed and we enter upon the discussion of the bill, we shall, during the debate, attempt as far as we are able to show that this measure will be ineffectual, that it will not accomplish the great purpose that we have in view; it will not accomplish what you promised the people you would do when Congress should meet again; it will not come up to the promises of your President made on the stump or on the hustings time and time again during the last campaign. But, this being the very best that we can possibly get during this session, we may all vote for the measure.

Mr. Speaker, how much of the twenty minutes have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I concur with what my colleague on the Committee on Rules has said. We could not of course control the vote in the Committee on Rules. We had to accept or reject such a rule as the majority were willing to present in this instance. We believe that some legislation against the trusts is better than no legislation at all. The legislation offered by the majority here is a small step in the right direction, but we do not think it will be affected. We desired and insisted in the Committee on Rules that we should have an opportunity for a record vote in the House where we could offer amendments which would make this bill effective against the trusts, but the rule adopted by the majority of the committee cuts off the right of amendment.

Now, the question before the House is, whether we will fight a measure because we can not get what we think we ought to have to the fullest extent we ought to go, or whether we will accept the step that is as far as the majority is willing to go in the right direction. Now, I think their present proposition is a step along the right road, but a very short step. However, I am not willing to impede or interfere with their taking even so slight a step in the right direction. Therefore, I intend to vote for the proposition, and, as it is not in order under the rules of this House to amend this rule so that we may get what we think we ought to have, I think it is best to vote for the rule.

Mr. WILLIAMS of Mississippi. Mr. Speaker, may I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS of Mississippi. Suppose we could vote this rule down, then would they not be forced to bring in a more liberal rule?

Mr. UNDERWOOD. I would say to my friend that if we voted this rule down, we might have no legislation before the end of the session. If we will vote down the motion for the previous question, then we would have a right to amend this rule.

Mr. WILLIAMS of Mississippi. Why not have a yea-and-nay vote on the adoption of the rule?

Mr. UNDERWOOD. Because that accomplishes no result.

Mr. WILLIAMS of Mississippi. It puts us on record as not consenting to this ironbound rule.

Mr. UNDERWOOD. If we will have a yea-and-nay vote on the previous question and vote that down, we will have an opportunity to amend. I am in favor of voting down the previous question and amending the rule if we can. Of course we understand the majority will not vote down the previous question, but I am in favor of making the attempt. If we can not do it, why then I think it is better to take the rule and take some legislation rather than no legislation at all.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. GROSVENOR. Mr. Speaker, if this were the first time in the progress of legislation that the majority of the House of Representatives fixed the terms upon which legislation might be considered, the appeal of the gentleman from Tennessee [Mr. RICHARDSON] would have a greater effect upon me than it does now. I want to say to the gentleman that the majority side of this House will be held responsible for all the legislation of this character that will be enacted during this session of Congress.

Our Democratic friends will not divide the responsibility with us. They will insist that we had a majority and that we had the power to make the terms and enact the legislation, and so, Mr. Speaker, the logic of our position here to-day is that we accept that responsibility and are going to prescribe the method by which this legislation shall be enacted. It is said that the minority side of the Chamber will not be permitted to make their views known by the offering of amendments. That is an exaggeration of the situation. Every amendment offered upon that side of the House during the three hours of time will be entered upon the record of the House and read by everybody who desires to know what the Democrats are proposing.

It will be a splendid opportunity, Mr. Speaker, for our Democratic friends to tell us exactly how they stand on this question and what they do propose, and the only trouble that they will encounter will be that after they have made known to the country what their views are, the Republican side of the House will doubtless reject their propositions. It will be perfectly well known where it comes from. It will not come from our side of the House. It will be the Democratic plan, the Democratic policy, the Democratic purpose in regard to this matter of trusts, and I am perfectly willing that it be done.

I shall rejoice if the fullest opportunity shall develop, in the form of proposed legislation, that drastic radicalism of which we have heard so much in debates on this floor, and of which we are to hear during the coming hours of to-day and to-morrow. Let the country see what their purpose is—what it is they are striking at and the form of the weapon—and the country will judge between us; the country will judge between the character of this conservative bill which we bring here and the radicalism which will be proposed on that side of the House. Mr. Speaker, the country, however, will have to take this view of it, that these propositions which will be made in the form of proposed amendments would not be voted for if the Democrats had the power to put them into this enactment.

They would never dare to assail the business of the country in the manner they do. The Republican party, whether for the good of the country or otherwise, is charged with the conservatism of the present prosperous condition of the country. The gentleman from Tennessee [Mr. RICHARDSON] says that if you will give the Democratic party on this floor the opportunity they will attack the trusts in a very formidable manner; and when he comes to give specifications, he says they will do it by repealing the protective tariff system. They will propose that all the goods manufactured in the United States by combinations of capital, by combinations of labor, by whatever combination they may be manufactured, shall all be put upon the free list, and the flood tide of foreign industry shall sweep over our country.

Mr. RICHARDSON of Tennessee. No; I do not think the gentleman has any right to quote me as saying that. I have not said that.

Mr. GROSVENOR. I do not say the gentleman has said that, but that is the fact of it. At all events the gentleman says we have fallen short of our promises——

Mr. RICHARDSON of Tennessee. I do not think it would be necessary to go that far in order to regulate trusts.

Mr. GROSVENOR. Well, I do not know whether it is or not. The gentleman promises that he will do something of this character, and he will do it by the repeal of some of the protective tariff statutes of our country. Well, I believe, Mr. Speaker, that if the gentleman was in power with his party he would make his promise good. It is not often that I have to admit that the Democratic party have made their promises good to the country, and I will repeat from the illustration of a distinguished Virginia somebody or other in the recent campaign to illustrate why it is that I concede that on one occasion, at least, the Democratic party made a promise and did fulfill it. The suggestion of the gentleman that they will do it by interfering with the tariff reminds me of the illustration told by that gentleman on the stump in Ohio. He said it was not true that the Democratic party never fulfilled its promises——

Mr. THAYER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. GROSVENOR. Why, I am right in the midst of a paragraph. The gentleman certainly does not want me to stop right here. This man said the Democratic party, in 1892, did make a promise to the country, and it is right along the line of the gentleman's proposition now. He said that the Democratic party, using as he did the language of Scripture, said, "Come unto me all ye that labor and are heavy laden, and I will give you rest." "And," said the old gentleman, "we went and we rested for four years." [Laughter and applause on the Republican side.] That was when we had the hard times, and there was a condition that I can not describe. That is the identical proposition now urged by the gentleman from Tennessee.

Mr. THAYER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. For what purpose?

Mr. THAYER. If the gentleman is——

Mr. GROSVENOR. Wait a moment. I have not yielded.

The SPEAKER pro tempore. The gentleman has not yielded.

Mr. GROSVENOR. For what purpose?

Mr. THAYER. To ask you a question.

Mr. GROSVENOR. Ask it. I am ready.

Mr. THAYER. If you are so confident that people on this side of the House will make radical recommendations to amend this bill, why are you not willing to go on record as voting against that, and to show our folly in advocating them? [Applause on the Democratic side.]

Mr. GROSVENOR. That brings me to the concluding paragraph of my speech. We are not willing to use up the time of the House and the time of the session while the gentleman and his associates shall make individual political platforms. When you can get one platform upon which a respectable majority of the Democratic party can stand we will be ready to meet that, either in the House of Representatives or anywhere else on earth; but we do not propose to take the time of this House while each individual member of the Democratic minority comes running in here with his own peculiar views.

And now let me say to the gentleman from Massachusetts that we will oppose the measures suggested by that side. There will be record enough. The mere fact, if it shall be a fact, that ultimately, after getting all the wisdom of your side of the House, we vote affirmatively to pass this bill, will be a sufficient record for you to charge that we did not accept your propositions, and that we are therefore against your propositions.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. GROSVENOR. Yes.

Mr. CLAYTON. You seem to be very desirous of economizing the public time. One hour has been given to me in the discussion proposed by the rule. I am quite content to surrender that hour and to shorten the time, provided that at the end of the debate of twelve hours, instead of thirteen, shortening the debate by one hour, you allow the minority an opportunity to make a motion to recommit or to offer a substitute. [Applause on the Democratic side.] Will you accept the proposition?

Mr. GROSVENOR. The gentleman from Alabama has only put in other words what the gentleman from Tennessee [Mr. RICHARDSON] has already said, and no one knows better than the gentleman from Alabama that I have no power to concede his request. [Derisive laughter on the Democratic side.] But I say to the gentleman, without any qualification whatever, that if I had the power I would not do it. [Applause on the Republican side.] So that is enough upon that branch of this case.

Mr. CLAYTON. That is one candid answer you have made.

Mr. GROSVENOR. So then, Mr. Speaker, the responsibility is here, the purpose is here, a long debate is provided, full opportunity for amendment is provided under this rule; and I believe that the rule is a fair and just one under all the circumstances. Unless there is further debate desired upon the other side in their twenty minutes I shall move the previous question.

Mr. FLEMING. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. FLEMING. Am I to understand the real parliamentary position is this, that no one in the House has the right to offer an amendment or to ask unanimous consent?

Mr. GROSVENOR. To ask unanimous consent?

Mr. FLEMING. No one except yourself?

Mr. GROSVENOR. I think not. I think it would not be in order to modify this rule.

Mr. FLEMING. Then I will ask the gentleman if he will not, occupying the floor as he does, ask unanimous consent that the pending resolution may be so amended as to permit the House to have a record vote on at least one amendment offered by the minority of the committee. Will the gentleman give us that courtesy?

Mr. GROSVENOR. If it was a matter personal to the gentleman from Georgia, I would be delighted to do it, but occupying the position that I do I can not.

Mr. FLEMING. But being a matter of politics the gentleman can not do it.

Mr. GROSVENOR. Being a matter of whatever you may call it. You understand it as well as I do. I can not. I demand the previous question.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry. If the demand of the gentleman from Ohio for the previous question is sustained, would it be in order to move to amend the rule so as to allow an amendment to be offered in the House and a record vote obtained? If the demand is sustained, will it be in order?

The SPEAKER pro tempore. If the demand is sustained, certainly not.

Mr. RICHARDSON of Tennessee. If we vote down the previous question, can we not then offer an amendment?

The SPEAKER pro tempore. The Chair thinks the House understands that.

Mr. RICHARDSON of Tennessee. Then I hope we shall vote down the previous question, so that we may offer an amendment.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House divided; and there were—ayes 130, noes 99.

Mr. RICHARDSON of Tennessee. I ask for the yeas and nays on the demand for the previous question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 106, answered "present" 12, not voting 93; as follows:

YEAS—141.

Acheson,	Davidson,	Hull,	Payne,
Adams,	Deemer,	Irwin,	Perkins,
Allen, Me.	Dick,	Jackson, Md.	Powers, Mass.
Babcock,	Douglas,	Jenkins,	Prince,
Ball, Del.	Dovener,	Jones, Wash.	Reeder,
Barney,	Draper,	Kahn,	Reeves,
Bartholdt,	Driscoll,	Ketcham,	Roberts,
Bates,	Eddy,	Knapp,	Schirm,
Beidler,	Emerson,	Kyle,	Scott.
Bishop,	Esch,	Lacey,	Shattuc,
Blakeney,	Evans,	Landis,	Shelden,
Boreing,	Fletcher,	Lawrence,	Skiles,
Boutell,	Foerderer,	Lewis, Pa.	Smith, Ill.
Bowersock,	Fordney,	Littauer,	Smith, H. C.
Brandegee,	Foss,	Littlefield,	Smith, Wm. Alden
Brick,	Foster, Vt.	Loudenslager,	Southard.
Bromwell,	Fowler,	Lovering,	Stevens, Minn.
Brown,	Gardner, N. J.	McCall,	Stewart, N. Y.
Bull,	Gibson,	McCleary,	Storm,
Burk, Pa.	Gill,	McLachlan,	Sulloway,
Burke, S. Dak.	Gillett, Mass.	Marshall,	Sutherland,
Burkett,	Graff,	Metcalf,	Tawney,
Burleigh,	Graham,	Miller,	Tayler, Ohio
Burton,	Greene, Mass.	Minor,	Thomas, Iowa
Butler, Pa.	Grosvenor,	Moody, Oreg.	Tirrell,
Calderhead,	Hamilton,	Morgan,	Vreeland,
Cannon,	Hanbury,	Morrell,	Wachter,
Capron,	Haugen,	Moss,	Wanger,
Cassel,	Heatwole,	Mudd,	Warner,
Coombs,	Hemenway,	Nevin,	Warnock,
Corliss,	Henry, Conn.	Olmsted,	Weeks,
Cromer,	Hepburn,	Otjen,	Woods,
Crumpacker,	Hildebrant,	Overstreet,	Young.
Currier,	Hill,	Palmer,	
Curtis,	Hitt,	Parker,	
Cushman,	Holliday,	Patterson, Pa.	

NAYS—106.

Adamson,	Fleming,	Little,	Shallenberger,
Allen, Ky.	Flood,	Livingston,	Sheppard,
Ball, Tex.	Foster, Ill.	Lloyd,	Sims,
Bankhead,	Gaines, Tenn.	McClellan,	Slayden,
Bartlett,	Gilbert,	McCulloch,	Small,
Bell,	Goldfogle,	McRae,	Smith, Ky.
Benton,	Gooch,	Maddox,	Snook,
Billmeyer,	Green, Pa.	Maynard,	Sparkman,
Breazeale,	Griggs,	Mickey,	Spight,
Broussard,	Hay,	Miers, Ind.	Stark,
Brundidge,	Henry, Tex.	Moon,	Sulzer,
Burgess,	Hooker,	Mutchler,	Swann,
Burleson,	Howard,	Norton,	Talbert,
Burnett,	Jackson, Kans.	Padgett,	Tate,
Caldwell,	Johnson,	Patterson, Tenn.	Taylor, Ala.
Cassingham,	Jones, Va.	Pou,	Thayer,
Clark,	Kehoe,	Randell, Tex.	Thomas, N. C.
Clayton,	Kern,	Ransdell, La.	Thompson,
Cochran,	Kitchin, Claude	Reid,	Underwood,
Conry,	Kitchin, Wm. W.	Rhea,	Vandiver,
Cowherd,	Kleberg,	Richardson, Tenn.	Wheeler,
Davey, La.	Kluttz,	Rixey,	White,
De Armond,	Lamb,	Robb,	Williams, Ill.
Dinsmore,	Lester,	Robinson, Ind.	Williams, Miss.
Dougherty,	Lever,	Rucker,	Zenor.
Feely,	Lewis, Ga.	Russell,	
Fitzgerald,	Lindsay,	Ryan,	

ANSWERED "PRESENT"—12.

Brantley,	Griffith,	Hughes,	Ruppert,
Brownlow,	Haskins,	Mann,	Steele,
Finley,	Hopkins,	Morris,	Van Voorhis.

NOT VOTING—93.

Alexander,	Edwards,	McAndrews,	Shafroth,
Aplin,	Elliott,	McDermott,	Sherman,
Bellamy,	Flannagan,	McLain,	Showalter,
Belmont,	Fox,	Mahon,	Sibley,
Bingham,	Gaines, W. Va.	Mahoney,	Smith, Iowa
Blackburn,	Gardner, Mass.	Martin,	Smith, S. W.
Bowie,	Gardner, Mich.	Mercer,	Snodgrass,
Bristow,	Gillet, N. Y.	Meyer, La.	Southwick.
Butler, Mo.	Glass,	Mondell,	Sperry,
Candler,	Glenn,	Moody, N. C.	Stephens, Tex.
Connell,	Gordon,	Naphen,	Stewart, N. J.
Conner,	Grow,	Needham,	Swanson,
Cooney,	Hedge,	Neville,	Tompkins, N. Y.
Cooper, Tex.	Henry, Miss.	Newlands,	Tompkins, Ohio
Cooper, Wis.	Howell,	Pearre,	Trimble,
Cousins,	Jack,	Pierce,	Wadsworth,
Creamer,	Jett,	Powers, Me.	Watson,
Crowley,	Joy,	Pugsley,	Wiley,
Dahle,	Knox,	Richardson, Ala.	Wilson,
Dalzell,	Lassiter,	Robertson, La.	Wooten,
Darragh,	Latimer,	Robinson, Nebr.	Wright.
Davis, Fla.	Lessler,	Scarborough,	
Dayton,	Long,	Selby,	
Dwight,	Loud,	Shackleford,	

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. HOPKINS with Mr. SWANSON.

Mr. HASKINS with Mr. FOX.

For balance of week:

Mr. MERCER with Mr. BRANTLEY.

For this day:

Mr. WADSWORTH with Mr. NAPHEN.

Mr. TOMPKINS of New York with Mr. EDWARDS.

Mr. STEELE with Mr. COOPER of Texas.

For balance of day:

Mr. BRISTOW with Mr. MCLAIN.

Mr. ALEXANDER with Mr. ROBERTSON of Louisiana.

Mr. BLACKBURN with Mr. BOWIE.

Mr. COOPER of Wisconsin with Mr. SHAFROTH.

Mr. GAINES of West Virginia with Mr. RICHARDSON of Alabama.

Mr. KNOX with Mr. DAVIS of Florida.

Mr. GARDNER of Massachusetts with Mr. CANDLER.

Mr. GARDNER of Michigan with Mr. SHACKLEFORD.

Mr. DARRAGH with Mr. BELMONT.

Mr. DWIGHT with Mr. NEVILLE.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. NEEDHAM with Mr. GRIFFITH.

On this vote:

Mr. WATSON with Mr. WOOTEN.

Mr. MONDELL with Mr. WILEY.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. LACEY). The question now is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

EXPEDITING SUITS AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES.

The SPEAKER pro tempore. Senate bill 6773 having been received, under the amendment to the rule it is laid before the House, and the Clerk will read the bill.

The Clerk read as follows:

A bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted.

Be it enacted, etc., That in any suit in equity pending or hereafter brought in any circuit court of the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney-General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select. In the event the judges sitting in such case shall be divided in opinion, the case shall be certified to the Supreme Court for review in like manner as if taken there by appeal as hereinafter provided.

SEC. 2. That in every suit in equity pending or hereafter brought in any circuit court of the United States under said act, wherein the United States is complainant, including cases submitted but not yet decided, an appeal from the final decree of the circuit court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: *Provided*, That in any case where an appeal may have been taken from the final decree of a circuit court to the circuit court of appeals before this act takes effect, the case shall proceed to a final decree therein, and an appeal may be taken from such decree to the Supreme Court in the manner now provided by law.

Mr. LITTLEFIELD. Mr. Speaker, I would like to inquire what bill the Clerk has just read?

The SPEAKER pro tempore. The Senate bill.

Mr. LITTLEFIELD. I move to amend the Senate bill, under the rule, with the two amendments which I send to the desk.

The Clerk read as follows:

Amend by inserting in section 2, line 16, after the word "under," the words "any of;" and by striking out, in line 17 of said section, the word "act" and inserting in lieu thereof the word "acts."

Mr. LITTLEFIELD. I will explain the general purpose of these amendments. It is to make the bill harmonious. As it was originally drawn it provided only for the expediting of cases that were brought under the act to protect trade and commerce against unlawful trade and monopolies, and therefore it read in the singular in section 2. When reported from the Judiciary Committee on the part of the House, and as it comes from the Senate, it also provides for expediting proceedings under the act regulating commerce, approved February 4, 1887, or any other acts having like purpose that may be hereafter enacted. So, instead of having the bill provide "that in every suit in equity pending or hereafter brought in any circuit court of the United States under said act," we say "under any of said acts," so as to make the bill harmonious throughout.

Mr. WM. ALDEN SMITH. Does that include the Sherman law?

Mr. LITTLEFIELD. Yes.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. LITTLEFIELD. Certainly.

Mr. CLAYTON. The bill as you propose to amend it makes it identical with the bill that the House Committee on the Judiciary considered and ordered a favorable report upon?

Mr. LITTLEFIELD. Precisely.

Mr. CLAYTON. Then I see no objection to the passage of the bill. It certainly met the unanimous approval of the members of the Committee on the Judiciary of the House.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Maine.

The amendments were considered, and agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

TRUSTS AND INDUSTRIAL COMBINATIONS.

The SPEAKER pro tempore. Under the rule adopted by the House, the House will resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 17.

Mr. LITTLEFIELD. Pending that, Mr. Speaker, I ask unanimous consent that the time be divided between the majority and the minority, to be controlled by myself on the one side, and the minority time to be controlled by the gentleman from Missouri [Mr. DE ARMOND]. I also desire to make a statement that the minority views submitted by the gentleman from Ohio [Mr. NEVIN] upon the committee were concurred in by the gentleman from Georgia [Mr. FLEMING] of the committee, who desires unanimous consent that his name may be added to that of Mr. NEVIN.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the name of Mr. FLEMING may be added to the minority views of the gentleman from Ohio [Mr. NEVIN]. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Maine also asks unanimous consent that the time be divided between the majority and minority, and that he, the gentleman from Maine [Mr. LITTLEFIELD], may control the time on the part of the majority, and the gentleman from Missouri [Mr. DE ARMOND] may control that on the part of the minority. Is there objection to this arrangement? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill No. 17, according to the special rule heretofore adopted. The Clerk will report the bill.

The Clerk proceeded to read the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

The bill as proposed by the Committee on the Judiciary to be amended is as follows:

Be it enacted, etc., That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized and engaged in interstate or foreign commerce, shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors.

Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof; but the provisions of this act, as to signing and making oath

to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed, that fact may be stated, and the details, which are in such case duplicates, need not be repeated. Upon its being made to appear to the satisfaction of the Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commission, be excused from furnishing such item or items.

Said Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer, or other officer of such corporation having the requisite knowledge, shall answer on oath all inquiries that may be made in writing on the direction of said Commission in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

SEC. 2. That whoever knowingly swears to a return that is false in any material particular, or knowingly swears to an answer to any such inquiry that is false in any material particular, shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare, or cause to be prepared, a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

SEC. 3. That it shall be the duty of said Commission to cause to be prepared and published, on or before the 1st day of June in each year, a list of all corporations making returns, with an abstract of such returns, for free distribution in such number as said Commission may deem necessary to meet any reasonable and proper demand therefor, to be distributed under the direction of the Commission.

SEC. 4. That said Commission shall have the same authority to inquire into the management of the business of said corporations, relating to interstate and foreign commerce, in the same manner and to the same extent, with the same power to compel the attendance of, and the giving of testimony by, witnesses, and the production of books, papers, contracts, and agreements, as is provided in "An act to regulate commerce," approved February 4, 1887, and all amendments thereof. Said Commission may employ such agents and clerks, as in its judgment may be necessary, for properly executing the provisions of this act, and shall make an annual report to the President, containing, among other things, such specific recommendations for additional legislation as it may deem necessary.

Any person who shall neglect or refuse to make returns, attend and testify or answer any lawful inquiry hereinbefore provided for, or produce books, papers, contracts, agreements, and documents, if in his custody, control, or power to do so, in obedience to the subpœna or lawful requirements of the Commission, shall be deemed guilty of an offense against the United States, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000.

SEC. 5. That any person, carrier, lessee, trustee, receiver, officer, agent, or representative of a carrier, subject to the act to regulate commerce, who, or which, shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities, or service, in respect to the transportation of any property, in interstate or foreign commerce, by any common carrier subject to said act, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier as is required by said act to regulate commerce, or shall receive any advantage by way of facilities or service, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $1,000.

SEC. 6. That no corporation engaged in the production, manufacture, or sale of any article of commerce, violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof, in any particular locality, by discrimination in prices, or by giving special privileges or rebates or otherwise, in order to destroy competition therein, in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale, with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, in buying, selling, or disposing of any such article of commerce, for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, sale, or control, with such intent. Every corporation or person violating the provisions of this section shall be punished, on conviction, by a fine of not less than five hundred and not exceeding five thousand dollars.

SEC. 7. That any common carrier, lessee, trustee, receiver, or transportation company, engaged in interstate commerce, now subject to the provisions of said act to regulate commerce, knowingly transporting any property produced, manufactured, or sold in violation of the provisions of this act, or in violation of the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in interstate commerce, shall be subject to a penalty of not less than $1,000, to be recovered by the United States, in any court of the United States having jurisdiction thereof, which suit may be brought in any district in which such common carrier, lessee, trustee, or receiver, or transportation company has an office or conducts business.

SEC. 8. That in all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States, or the commissioners thereof, or the Interstate Commerce Commission, or in obedience to the subpœna of the same, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commission, or in obedience to the subpœna of either of them, in any such case or proceeding.

Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commission, or any member thereof, shall be on oath, and either of the members of said Commission may administer oaths and affirmations and sign subpœnas.

SEC. 9. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain the violation of any of the provisions of this act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain the several acts herein forbidden. Such proceedings may be by way of petition setting forth the case and praying that the acts hereby made unlawful shall be enjoined or otherwise prohibited. When the parties complained of shall be duly notified of such petition the court shall proceed as soon as may be to the hearing and determination of the case, and upon such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just.

SEC. 10. That whenever it shall appear to the court before which any proceedings under this act shall be pending that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned, whether they reside in the district where the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 11. That any person or corporation injured in business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant or defendants reside or are found, without respect to the amount in controversy, and shall recover threefold the damages sustained and the costs of suit, including a reasonable attorney's fee.

SEC. 12. That this act shall take effect May 1, 1903.

Mr. LITTLEFIELD (when the title of the bill had been read). I ask unanimous consent that the further reading of the bill be dispensed with.

There was no objection.

Mr. LITTLEFIELD. I now yield an hour to the gentleman from Massachusetts [Mr. POWERS].

Mr. POWERS of Massachusetts. Mr. Chairman, I desire to discuss some of the salient features of this bill, and more particularly the foundation principles upon which the legislation rests. The bill as it comes from the Committee on the Judiciary does not in any sense come before this House as a party measure. The discussion that took place this morning would indicate that this question of the regulation and control of the trusts and combinations was a question which might be considered as a party measure. I think that I disclose in no way the secrets of the committee room when I say that at no time while this bill was under consideration was there any division on party lines. All the members of the Judiciary Committee believe in some legislation on this subject. Different members differ in their views as to the best remedy to be applied, and by the minority report which has been presented it will clearly appear that gentlemen on both sides of this House believe that the substitute bill which has been recommended by the committee contains some provisions that it ought not contain, and that some amendments ought to be made to the bill as reported from the committee; but I think it is fair to say, Mr. Chairman, that this proposition of regulating and controlling the great combinations of the country comes from your Committee on the Judiciary in no sense as a party measure, but in response to a demand of the American people.

I hardly need say that there is justification for this legislation. For more than fifteen years there has been a continuous and increasing demand for legislation that would better control the great industrial combinations in this country. I think, sir, that if we carefully examine the reasons for these complaints we shall find that the real grievance of the people rests upon the idea that there does not exist in the industrial world to-day, particularly in the United States, free and untrammeled competition. If you will follow out these grievances as they come to us by petition, as we read them in the public prints, you will find that nearly every one reaches back to a complaint that a great combination has obtained some unlawful privilege and by unlawful means is trammeling, destroying competition.

You will find that the complaint has been general for many years that the large combinations, with their large moneyed influence, have been able to compel the great transportation companies of this country to make to them rebates, and also to give them a different class of service from that which they grant to the small competitors. You will find also that the complaint rests upon the assertion that in every part of this country great industrial combinations are attempting to crush out the independent operators; and it is claimed—I think rightly claimed—that these large combinations go into certain localities and by cutting prices obtain the business in those localities and crush the small competitors. And it is also claimed—I believe rightly claimed—that they do this with a view of creating monopoly, and having created that monopoly, they then recoup the loss that they have made in the cutting of prices, by raising the price of the prime necessities of life above the normal rate, and thereby oppressing the consumer.

Now, this bill, which is reported as a substitute for House bill No. 17, is a bill which seeks to remedy this attempt to destroy competition. This bill might very properly be termed a bill to defend the American people in their industrial liberty. For more than a century the Congress of the United States has been engaged in enacting laws for the protection of the American citizen in his political rights. We are now called upon to enact some

legislation that will better protect the American citizen in his industrial rights; that will protect the American citizen so that he may enter the great field of commercial activity and competition upon the same conditions upon which the large combinations enter this field—some kind of legislation that shall say to the railroad companies: "You must carry the freight of the small manufacturer and the small producer upon exactly the same terms upon which you carry the freight of the largest corporation engaged in business in any part of the Union."

And it goes further. Whenever we find combinations engaged with intent to destroy competition in any one place or in any one locality, we seek to prevent the destruction of that competition, if we are able to do so.

Now, you say, how are we going to do it? This bill, Mr. Chairman, is framed entirely under what is known as the commerce clause of the Constitution—that clause which confers upon Congress the power to regulate commerce with foreign nations and among the States and with the Indian tribes. There is no question that Congress has the absolute authority to regulate that commerce. It may regulate it at will. It may regulate the commerce between the States to the same extent that a sovereign State may regulate commerce exclusively within the limits of the State. More than that, it may regulate commerce without any limitation, for the very reason that the grant which the States made to the National Government was a grant without limitations or conditions, a grant which gave to the national Congress the authority to regulate commerce in any way which in the judgment of Congress the welfare of commerce and the welfare of the people demanded.

I noticed the other day that in one of the leading metropolitan papers of the great city of New York the claim was made editorially that we were attempting through this bill to do something that we had no right to do. It was claimed that the proposed legislation was a usurpation of the rights of the States, and they put this query: Can it be possible that Congress has the right to say to any corporation in this country that it shall not engage in interstate commerce? It then went on to say that if that be true, then Congress could paralyze industry in this country; that it would usurp the rights that belonged to the people of the States, and that it would lead to a revolution.

Now, I hardly need to say to you, Mr. Chairman, that that was from one of the leading journals published in the city of New York, which from the very first has opposed all trust legislation. It is one of those papers that undertakes to influence sentiment against any legislation controlling the trusts, and I suppose that that paper is published too near the atmosphere of Wall street to have very much influence upon the members of this body. I do not know who owns that paper, but I do know that that journal to-day is advocating the very things that the trusts are advocating when they say, "Keep your hands off the money power of this country and allow the rule of the survival of the fittest to prevail." But we say in turn that there is nothing in this bill which we now have under consideration which seeks to destroy the great industrial interests of this country.

On the other hand, I shall undertake to satisfy the House in what I have to say to-day that this is a bill in the interest of the protection and defense of the vested interests of the United States. As long ago as 1824 the United States Supreme Court construed this commerce clause of the Constitution in the famous case of Gibbons *v.* Ogden, which was reported in 9 Wheaton, the opinion being rendered by that peerless jurist, Chief Justice Marshall. That was a case which came up from the State of New York. The Government was represented by that great legal advocate, Attorney-General Wirt, and associated with him was Mr. Webster. On the other side appeared those eminent lawyers, Oakley and Emmett. The question was whether a navigable river in the State of New York was within the exclusive jurisdiction of the State, and the supreme court of New York held that it was. That question came up upon error and was decided as long ago as 1824.

Now, I am going to call your attention to the language which Chief Justice Marshall used in rendering the opinion of the court. Referring to the power conferred upon Congress by the commerce clause in the Constitution, he says:

> It is the power to regulate, that is, to prescribe a rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution—

And there are no limitations prescribed in the Constitution.

Again, Chief Justice Marshall says:

> The power of a sovereign State over commerce, therefore, amounts to nothing more than the power to limit and restrain it at pleasure. And since the power prescribing the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive; it can reside but in one potentate; and, hence, the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

Now, that case, decided nearly a century ago, has from time to time been cited with approval, not only by United States courts, but by every court of highest resort in most of the States of the Union. More than that, the United States courts have cited that case from time to time with approval. It never has been modified, and that construction, which was the first construction the Supreme Court ever placed upon the commerce clause of the Constitution, stands to-day as the law of this land. In the case of Gloucester Ferry Company against Pennsylvania (114 U. S.) the court says:

> The power to regulate interstate and foreign commerce, vested in Congress, is the power to prescribe the rules by which it shall be governed; that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duties or other exactions.

In the same case the court holds that commerce among the States consists of intercourse and traffic between their citizens, and includes the transportation of persons and property, and the navigation of public waters for that purpose, as well as the purchase, sale, and exchange of commodities.

In the case of Mobile Company *v.* Kimball, reported in 102 United States, 691, the headnote states the decision in this language:

> Congress has power to prescribe the conditions upon which commerce shall be conducted between our citizens and the citizens or subjects of other countries, and between the citizens of the several States, and to promote its growth and insure its safety.

Also, in 96 United States:

> The power of Congress to regulate commerce with foreign nations and among the several States includes a control of the electric telegraph as an agency of commerce. That power is not limited to such instrumentalities as were in use when the Constitution was adopted.

Now, the great instrumentality of commerce to-day is the railway system of this country, a system with trackage of nearly 200,000 miles, which the American people have invested something like $12,000,000,000, or more than one-eighth of the entire wealth of the nation. This railway system constitutes the great highway of the nation, over which the commerce of our people passes. It is the great artery through which pulses the commercial life of our people.

Now, we say that Congress has the perfect right to say what shall pass over that great highway. Our bill provides that whenever any corporation undertakes to violate existing law, either in the acceptance of rebates or special service from the railways, that corporation shall be denied the right to use this great instrumentality of commerce. The bill further provides that wherever a combination undertakes by unlawful means to crush out the independent operator, the small operator, that corporation may be denied this instrumentality of commerce.

Now, why should that not be so? That is a regulation of commerce between the States, and that is one of the regulations which the Constitution may fairly be said to have contemplated. The railway companies of this country which constitute this great instrumentality of commerce, are chartered by the different States in the Union. They are what are known as public-service corporations. They are called public-service corporations because they are engaged in the performance of a quasi-public duty. They are clothed with great power and privileges by the grant of the State. They are given that great power which is the attribute of the State, known as the right of eminent domain. They may take your property, they may take my property, for the purpose of carrying out provisions of their charters. And being public-service corporations, they may be controlled.

Every State, for instance, has the right to control the rates charged by the railroads within that State, to say what kind of service they shall give, and there is to-day hardly a State in the Union that has not created a railroad commission and placed that commission over the railroad companies operating within the State.

Now, whenever the railroad operates outside of the State, whenever it takes merchandise from one State and conveys it to another State, then it is engaged in interstate commerce, and Congress has the right to say to those railroads, "You shall not carry the goods of any trust or combination that violates the laws of the Congress of the United States." And that is all our substitute bill seeks to do. It seeks to keep open the field of competition by saying that these corporations, if they violate the law, shall not be allowed to make use of the instrumentalities of commerce.

Now, I do not agree with the New York newspaper which says that that is a usurpation. I understand perfectly well that there is a wide divergence of opinion as to the method by which we shall regulate these trusts. I understand perfectly well that my friends upon the other side of the House say that the true method of regulating the trusts is by a revision of the tariff. And while we are attempting to regulate them under one clause of the

Constitution, some of my friends upon the other side honestly believe that they shall be regulated under another clause of the Constitution. I intend, before I close, to say something on that subject.

But one thing must be borne in mind—that in attempting to regulate commerce we should have in view simply the attempt to do no more than is necessary. There was a discussion this morning on this question as to how far Congress should properly go in the regulation of the trusts. I believe that we are called upon to go no further than to protect competition, and that when we protect competition we have then provided a remedy for the evils that exist. If you take up the other method that has been suggested, and I think it is suggested by one of the amendments—it is the method founded on a revision of the tariff. In other words, some of our Democratic friends say that the true way to destroy the trusts, or to regulate the trusts, is to take off the duty on goods that come in competition with the goods that are produced by the trusts. When you take into consideration the fact that there are something like 169 articles to-day that are in the control of the trusts, upon which there is no duty, you can see how futile that would be.

Suppose, Mr. Chairman, that we wanted to regulate what is known as the Standard Oil Company of this country, one of the largest trusts. Can we regulate that by taking off the duty, when there is no duty on the product? Can we regulate that when it has become international in its character and is existing as a corporation in this country and is existing as an allied corporation across the sea? Can we regulate that? Suppose, on the other hand, we want to regulate the United States Steel Company? That company has no monopoly of the product which it manufactures. It produced last year about 48 per cent of the steel output in this country, and if we take off the duty on the steel production of this country and bring that into competition with the steel production of Germany and England, we bring into competition those independent companies that to-day are in the field of competition against the United States Steel Company, and they would go to the wall under a revision of the tariff long before the United States Steel Company would. And the same is true of many other products to-day entirely under the control of the trusts. So it seems to me, while I believe in a revision of the tariff—and I will say this to my Democratic friends, that I believe the time has come for a general revision of the tariff—I believe in a revision of the tariff upon other grounds and not as a remedy to regulate the trusts.

Mr. SMITH of Kentucky. Mr. Chairman, if it will not interfere with the plans of my friend from Massachusetts, I should like to ask him a question.

Mr. POWERS of Massachusetts. I yield.

Mr. SMITH of Kentucky. I should like to know if the gentleman does not believe that there are many trusts that can be reached under the interstate-commerce clause of the Constitution that can not be otherwise reached, and, on the other hand, if he does not believe there are a number of other trusts that can be reached under the taxing provision of the Constitution that can not be reached under the interstate-commerce clause of the Constitution?

Mr. POWERS of Massachusetts. I believe there is no trust that can not be reached under the commerce clause of the Constitution; on the other hand, I believe there are many trusts that can not be reached under a revision of the tariff. When you take into consideration that no corporation can become prosperous and do a large business that does not do an interstate business, it follows from that if you regulate these corporations under the interstate-commerce clause by taking from them the facilities to do business if they are violating the law, that you restrict them to the full extent that you ought to restrict them.

Mr. SMITH of Kentucky. Now, another question, just in that connection.

Mr. POWERS of Massachusetts. I yield for the question.

Mr. SMITH of Kentucky. Now, this bill simple prevents a discrimination in transportation rates in favor of any corporation engaged in interstate commerce. Now, you take a corporation or trust, as we are in the habit of calling it, that has already obtained the entire field in the sale of a certaln article of commerce, can not it live and hold that field on the same transportation rates that it now has against any new enterprise, forcing it out of existence, and will it not continue to be as much a trust after this bill has been put into operation as it ever was before?

Mr. POWERS of Massachusetts. I can imagine, Mr. Chairman, a case where a corporation has a natural monopoly, where there is no power to put them into competition. For instance, if you can imagine a case of a corporation owning all the coal fields of this country, then, of course, there could be no competition in coal. Now, how can you reach that? You can reach, of course, such a corporation if they oppress the people and charge a price which they ought not to charge the consumer by removing the duty upon coal. But if you take the case of a manufacturer where they have not a natural monopoly, the case of a corporation that is simply in the field and holding the field because it has certain advantages which enables it to hold the field, then that corporation will always be reached by competition. Now, I do not believe that in a country as large as this is, with as much capital and as much brains as we have in this country, that any combination is going to take possession of the open field and hold that field as against all competition.

Mr. SMITH of Kentucky. Now, you take a trust in some manufacture, in control of the manufacture of a product—they have the exclusive field. Now, what is to hinder them, when a new competitor offers to spring up, from putting the price down and crushing it out of existence in interstate commerce?

Mr. POWERS of Massachusetts. Well, now, the sixth section of this bill seeks to take care of that. I do not assume that any corporation of the kind described by the gentleman from Kentucky can obtain a monopoly of the entire field without doing interstate commerce. I do not assume any large industrial corporation can obtain a monopoly in any one locality in this country unless they make use of the instrumentalities of interstate commerce.

This bill provides that whenever a corporation seeks to do what my friend from Kentucky has supposed that they may undertake to do, that that corporation may be deprived by an order of the court of the use of interstate commerce. The moment it is deprived of this privilege or instrumentality, that moment that corporation must go to the wall. But this provision does not provide that that corporation shall be for all time restrained, but that it shall be restrained so long as it is engaged in unlawfully undertaking to create a monopoly. Now, the moment that that takes place, if a large corporation is forced to pay the same railroad rates as a small corporation, and can get no advantage in the way of facilities over the small corporation, that moment the large corporation and the small corporation would be put on the same basis.

Now, it is true that the large corporation can produce cheaper than the small corporation, and can sell to the consumer for less than the small corporation, and that corporation ought to continue in business, because we are not undertaking to put any barrier against the tendency which is toward cooperation, that which is toward material centralization; and no one will undertake to say that in the last twenty-five years there has not been a tremendous tendency toward material centralization in the trade and commerce of the country and of the world. It would seem that the only thing we can do is to insist that these combinations, these consolidations, shall keep well within certain lines of equal facilities in shipping goods which are afforded the small corporation as set out in the provisions of our bill; that the large corporation that undertakes to destroy a small corporation by a reduction of the price with a view that after destroying competition of raising the price to the consumer, should not be allowed to do an interstate-commerce business.

Now, for myself I can not imagine any corporation that could be of any particular menace to the people of the United States that does not engage in interstate commerce. If it be true that this is all going to be accomplished within the State, the power is in the State to regulate the commerce, because the States have not conferred upon Congress authority to deal with any kind of commerce except the commerce among the States.

Mr. THAYER. Will the gentleman allow me a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. THAYER. I understood the gentleman to say that he thought the time had already come when there should be a reform and revision of the tariff. I concur with him fully upon that point. Now, if that is true, I want to ask the gentleman if he does not think it would be helpful legislation to reduce, for instance, the high protective and almost prohibitive tariff upon steel and steel products, and if by doing that we should not call a halt in the amassing of capital that we see every few months in the steel combine which is taking in companies and corporations capitalized at $50,000,000.

Mr. POWERS of Massachusetts. That question is connected with the revision of the tariff and is entirely independent of the question now before the House. I imagine my friend from Massachusetts and I entertain somewhat similar views upon the reform of certain schedules in the tariff; but what I said a few moments ago was this: That if the purpose of removing the tariff on steel was to regulate that large fourteen hundred million dollar corporation known as the United States Steel Company, it would be more likely to regulate the small companies that to-day are in competition with it. The very fact that the United States steel corporation, known as the "steel trust," produces less than one-

half of the product, it is fair to assume that the removal of the duty would be more likely to injure the small operator than it would to injure the large one. More than that, if we destroy the small operators and put them out of the field it would leave the trust in charge of the field, and I take it that my friend from Massachusetts does not want us to reduce the tariff so as to leave the trust in control of the field.

I also assume that he does not want such a revision of the tariff as would give possession of our manufactures to the manufacturers of England and Germany. I assume that he wants to do exactly what I want to do, and that is to so revise the tariff that every manufacturer shall stay here and prosper, and, at the same time, that it shall operate as a benefit to the great consuming public.

Mr. THAYER. If the gentleman will pardon me, I would like to ask the gentleman if he thinks it is necessary to keep the tariff so high on steel products that the steel trust can distribute a yearly dividend of $150,000,000, as they do at present?

Mr. POWERS of Massachusetts. I have never been quite satisfied that the dividends declared by the United States Steel Company were dividends in the sense of that term as we use it. When a company capitalized at fourteen hundred million dollars, three-quarters of it watered stock, undertakes to float that stock and pay dividends, it must keep up the dividends in order to float the stock, and I am not so sure but that is exactly what the steel trust is doing to-day. This is true, that the steel trust to-day is in competition with a large number of independent operators, and if the independent operators can not hold the field, and make dividends, and produce steel as cheap as is produced by the large corporations, then there is no field for the independent operator.

One thing that I desire to have distinctly understood is that I do not believe in any revision of the tariff, or in any regulation of the trusts, which will lead to the financial disaster of this country. During the last twenty years in which the trusts of this country have been developed, we have seen the greatest industrial progress that this country or the world has ever seen. During the past twenty years there has been a general industrial progress throughout the world but in the United States it has been simply marvelous. I desire, for a few moments, to call attention of the House to certain figures and statistics which have been compiled from the last census, and I should say that I am indebted for this compilation to a New York paper, not the paper to which I referred a short time ago, but to the New York Commercial Advertiser.

These statistics show that from 1882, down to 1902, a period of twenty years, the industrial progress of this country has been nothing short of what may be termed phenominal. Take, for instance, our population. The population for 1882 down to 1902 increased more than 50 per cent. In the last decade the increase in population in this country was over 13,000,000. Now look at the increase in our wealth. In this period of twenty years it was more than 120 per cent. The total wealth in this country in 1882 was, in round numbers, $42,000,000,000, and the total wealth at the close of last year was something over $94,000,000,000.

During the last decade—from 1892 to 1902—the increase in our national wealth was nearly thirty billions, an increase which represents an amount greater than the American people had accumulated from the landing of Columbus up to the firing on Sumter in 1861. When you take into consideration the fact that in a single decade, from 1892 to 1902, the wealth of this country has increased $30,000,000,000 and our population increased more than 13,000,000, we must realize that there has grown up within that time what would constitute a nation, and a wealthy nation, within the borders of the United States.

Mr. ROBB. I should like to ask the gentleman whether he does not know that the percentage of persons who own and operate their own farms has, during the last ten years, or rather from 1890 to 1900, greatly decreased; that is to say, that the tenantry of farms in the United States has rapidly increased during those ten years.

Mr. POWERS of Massachusetts. I will say, Mr. Chairman, that I was not aware that such was the fact.

Mr. ROBB. The gentleman will allow me in this connection to call his attention to the fact that in 1890 the percentage of tenants was 28.4; and that in 1900 it was 35.3 per cent; in other words, there has been an increase of 6.9 per cent in the number of tenants. Now, I leave the gentleman to figure out from that how long it would be at that rate before the farms of the United States would not be owned by the farmers, who ought to own them, but that a condition of tenantry would exist in this country; in other words, wealth would be concentrated in the hands of a few and taken from the hands of the many where, I contend, it should be.

Mr. POWERS of Massachusetts. I do not think that that indicates that the farmers——

Mr. ROBB. If the gentleman will allow me, I will say that I am reading from the abstract of the last census, page 218.

Mr. POWERS of Massachusetts. I do not think that indicates that the farmer is not thrifty. My friend from Nebraska, who comes from a farming district, says that the farmers are so thrifty that the farmer to-day has been able to move into town and rent his property to someone who has come across the ocean in recent years; and later on, I presume, the tenant will become the owner of the farm, and later on the tenant will rent his farm and move into town. I imagine that is the evolution going on to-day.

Mr. ROBB. Will the gentleman allow me another question?

Mr. POWERS of Massachusetts. I yield for a question only.

Mr. ROBB. Is it reasonable to suppose that people who are able to own and operate their own farms would be operating them, not as owners, but as tenants?

Mr. POWERS of Massachusetts. Well, I think it is entirely reasonable to suppose that a man may have more than one farm. One man may own five farms and may rent the whole five. I do not think any such condition of things indicates that the farming population is not prosperous to-day.

Now I wish to go on and take up a few more of these statistics which may illustrate the subject. Take, for instance, the savings-bank deposits—and these are supposed to represent the thrift of what may be known as the laboring or middle classes. Now, the savings-bank deposits have increased within the last twenty years more than 300 per cent—that is, there are to-day in the savings banks three times the amount of deposits in value that there were in 1882—and it will be found, I think, if you examine those figures in detail, that those deposits are contributed very largely by the farming interests of the West and the South. That certainly does not indicate that the farming population of this country is going into a worse condition than it was before the trusts started in 1882.

Mr. GILBERT. The savings banks have been started only within the last twenty or thirty years.

Mr. LITTLEFIELD. Oh, no.

A MEMBER. That may be true in some places.

Mr. LITTLEFIELD. Thirty or forty years ago we had them in many places.

Mr. POWERS of Massachusetts. Take, for instance, what is known as the clearing houses. The total bank clearings in 1902 were twice what they were in 1882, indicating the growth in the volume of mercantile transactions among our people. Take, for instance, the value of farms—and I come now to the very question which my friend from Missouri has put to me—the value of farms and farm property, according to the statistics of the United States, nearly doubled within this period of twenty years, and the same is true as to the value of farm products. Take, for instance, the production of cotton, in which many of my friends on the other side of the House are interested. The production of cotton during the last twenty years has doubled in the Southern States, and the statistics show that to-day there are more than 11,000,000 acres under cultivation in excess of what there were in 1882.

Mr. ROBB rose.

Mr. POWERS of Massachusetts. I yield for a question.

Mr. ROBB. The gentleman did not understand the purport of my question. It was not that the farming property had not increased in value and that the number of farms had not increased, but it was this, that the percentage of persons owning farms had not only not increased, but had diminished 6.9 per cent within the last ten years.

Mr. POWERS of Massachusetts. I yielded for a question only, not for a statement.

Now, take the sugar production. Sugar production has increased over 300 per cent within the last twenty years. The coal production has also increased 300 per cent. In the case of pig-iron production, its increase has been over 400 per cent, and our steel production increased more than 700 per cent during the last twenty years. The value of the production of our manufactories increased within this period from five billions to more than thirteen billions of dollars, and the employees more than doubled in number, while the wages paid them in gross were three times as great in 1902 as in 1882. We exported nearly twice as much merchandise in 1902 as we did in 1882.

Our railway system nearly doubled its mileage in these twenty years, and more than doubled its gross and net earnings within that period. It carried three times the amount of freight and tonnage in 1902 that it did in 1882 and more than twice the number of passengers. As I said a moment ago, the railway system of this country is the great instrumentality of interstate commerce. It is the highway of the nation. When you take into consideration that our railway system in 1882 was operating 112,000 miles of railroad and at the close of 1902 it had increased so that it was

nearly 200,000 miles, enough to encircle the globe four times, into which has gone one-eighth of the wealth of this nation, you get some idea of the commercial activity of our people during this period of twenty years.

Mr. Chairman, I propose to insert in my remarks certain tables, showing the comparative industrial growth of the United States during the last two decades. I said a few moments ago that I am indebted to the New York Commercial Advertiser for this compilation of most interesting statistics, which, I believe, have been collected and compiled with the greatest possible accuracy. They indicate an industrial growth of which any nation may be justly proud, and while it is not possible to decide what part of this growth is due to the tendency to consolidation of capital, I think it is fair to assume that the creation of large industrial corporations has hastened and expanded our commercial progress. It stands to reason that in a great country like this, with vast resources, many of which have not been developed, the cooperation of large sums of money in corporations is requisite for the highest and most rapid development.

While it is true that the tendency to material centralization exists throughout the commercial world to-day, it is more marked in the United States than elsewhere. This is largely due to the enterprise and industry of our citizens. I shall insert a table showing the comparative industrial growth of the United States with that of Great Britain, Germany, and France, and I shall also insert a table showing the growth of our railway system during the past twenty years, which is a most excellent standard for demonstrating the commercial activity of our people.

While I believe that the time has come for some general revision of our tariff laws, I am equally well satisfied that this revision should be made along the lines of a protective policy and in such a manner as not to retard our industrial growth. I should hope that it might tend rather to accelerate than retard it.

I have no question as to the power of Congress to enact legislation under the commerce clause of the Constitution, which would limit the size and character of corporations engaged in interstate commerce: but such legislation would be of a most extreme character, uncalled for by existing conditions, and could not fail to prove more harmful than beneficial. To my mind there is no sentiment or prejudice against wealth in this country unless it seeks to be arrogant or oppressive. In certain phases it has already become such, and for that reason is creating a socialistic sentiment among the American people. I can imagine nothing more foolhardy than the tendency of the moneyed power to oppress the people. It would most certainly lead to legislation hostile to the great vested interests which ought to serve rather than oppress the people.

The security of property in this country rests upon public opinion. No property qualification is a prerequisite of our right to vote. For six centuries the landed estates have controlled the politics and legislation of Great Britain. That condition has been a bulwark to the security of property rights, but it is not so with us. The American voter, exercising his political right of suffrage, may directly or indirectly through the ballot box change every statute law of every State, the constitution of every State, and even our Federal statutes and our Constitution. It is in the power of the American voter to change our form of government, to carry us over to absolute socialism, acting well within his political rights under our form of government. He may so change our constitutional form of government as to permit of the condemnation of all property for the benefit of the people without any compensation therefor. If American capital would render itself secure, it must cease to oppress and must seek to serve the people.

Now, there is no question that the tendency of the age is toward great consolidations of capital. There is no question that there is a public demand for these large corporations which we sometimes term "trusts." There is no question but that the tendency of the time is toward material centralization and it is demanded. Nobody finds any fault with material centralization. Nobody finds any fault with the creation of these corporations; but what our people insist upon is that these corporations shall keep within certain limits, that no large corporation shall be permitted to destroy a small corporation or to destroy the business of an individual. That is what we are seeking to prevent.

TABLE 1.—*Comparative industrial growth of the United States in the last decade.*

In the subjoined table official figures have been used wherever accessible, fiscal years being taken. Where estimates have been substituted, only those of recognized authorities have been accepted. In a few instances, as will be observed, comparison is with the last nine years where satisfactory estimates for 1902 could not be obtained. The items presented were selected with a view to showing comprehensive tendencies. Census figures are of even decades.

	1882.	1892.	1902.	Increase (+) or decrease (−).			
				1892 over 1882.		1902 over 1892.	
				Amount.	Per cent.	Amount.	Per cent.
Population	[a] 52,495,000	[a] 65,086,000	[a] 79,003,000	+ 12,591,000	23.99	+ 13,917,000	21.38
Wealth	[b] $42,642,000,000	[b] $65,037,091,000	[b] $94,300,000,000	+$22,395,091,000	52.52	+$29,262,909,000	44.99
National-bank individual deposits	$1,066,901,720	$1,764,456,177	$3,209,273,894	+ $697,554,457	65.38	+ $1,444,817,717	81.88
Deposits in savings banks	$966,797,081	$1,712,769,026	$2,750,177,290	+ $745,971,945	77.16	+ $1,037,408,264	60.57
Number of savings bank depositors	2,710,354	4,781,605	6,686,672	+ 2,671,251	76.42	+ 1,885,067	39.42
Deposits in State banks	$281,775,496	$648,513,809	$1,698,185,287	+ $366,738,313	130.15	+ $1,049,671,478	161.86
Deposits in private banks	$295,622,160	[c] $93,091,148	$131,669,948	− $202,531,012	685.16	+ $38,578,800	41.44
Loan and trust company deposits	$144,841,596	$411,659,996	$1,525,887,943	+ $266,818,400	184.21	+ $1,114,227,947	270.66
Total bank and trust company deposits	$2,755,938,053	$4,630,490,156	$9,315,193,912	+ $1,874,552,103	68.00	+ $4,684,703,756	101.17
New York bank clearings	$46,552,846,161	$36,279,905,236	$74,753,189,436	−$10,272,940,925	22.06	+$38,473,284,200	106.04
Total bank clearings	$61,054,353,600	$60,883,572,438	$116,021,618,003	− $170,781,162	03	+$55,138,045,565	90.56
Gold, including certificates, in circulation	$333,280,345	$549,602,443	$938,793,298	+ $186,382,098	51.30	+ $389,190,855	70.79
National-bank notes out October 31	$302,727,747	$172,432,146	$380,476,334	− $190,295,601	52.18	+ $208,044,188	120.67
Money in circulation	$1,174,290,419	$1,601,347,187	$2,249,390,551	+ $427,056,768	36.45	+ $648,043,364	40.46
Circulation per capita	$22.37	$24.60	$28.43	+ $2.23	9.97	+ $3.83	15.57
Gold in the Treasury	$148,506,390	$225,577,706	$559,302,051	+ $77,071,316	51.89	+ $333,724,345	147.94
Railway freight carried 1 mile, tons	39,302,209,249	88,241,050,225	[d] 150,000,000,000	+ 48,938,840,976	124.52	+ 65,758,949,775	78.06
Value of farms and farm property	[b] $12,180,501,538	[b] $16,082,287,689	[b] $20,514,001,838	+ $3,901,766,151	32.34	+ $4,431,734,149	27.53
Value of farm products	[b] $2,212,540,927	[b] $2,460,107,454	[b] $3,764,177,706	+ $247,566,527	11.20	+ $1,304,070,252	53.01
Value of all farm animals	[b] $1,576,884,707	[b] $2,308,767,573	[b] $2,981,722,945	+ $731,882,866	46.41	+ $672,955,372	29.13
Wheat, bushels	504,185,470	515,949,000	[e] 626,947,007	+ 11,763,530	2.33	+ 110,998,007	21.51
Corn, do	1,617,025,100	1,628,464,000	[e] 2,545,366,379	+ 11,438,900	.71	+ 916,902,379	56.25
Wool, pounds	272,000,000	249,000,000	316,341,032	+ 22,000,000	8.09	+ 22,341,032	7.60
Value of wool manufactures	[f] $277,200,000	[f] $297,100,000	[f] $316,800,000	+ $19,900,000	7.18	+ $19,700,000	6.63
Cotton, bales	5,456,048	9,035,379	[e] 10,680,680	+ 3,579,331	65.59	+ 1,645,301	18.21
Value of cotton manufactures	[f] $207,250,000	[f] $295,300,000	[f] $345,000,000	+ $88,050,000	42.48	+ $49,700,000	16.83
Value of silk manufactures	[b] $31,033,045	[b] $87,298,454	[b] $107,256,258	+ $46,265,409	112.84	+ $19,957,804	22.86
Gold production	$32,500,000	$33,014,981	$78,666,700	+ $514,981	1.58	+ $45,651,719	138.19
Sugar production, tons	[f] 164,000	[f] 258,064	[f] 473,126	+ 92,064	56.14	+ 217,062	84.77
Petroleum production, gallons	1,281,454,860	2,121,405,594	[g] 2,914,346,148	+ 839,950,734	65.58	+ 792,940,554	27.21
Copper production, tons	40,467	154,018	[f] 272,264	+ 113,551	280.38	+ 118,246	76.78
Coal production, do	92,219,454	160,115,242	[f] 280,000,000	+ 67,895,788	73.62	+ 119,884,758	75.00
Pig-iron production, do	4,623,323	9,157,000	[f] 17,782,000	+ 4,533,677	98.99	+ 8,625,000	94.14
Steel production, do	1,736,692	4,927,581	[g] 13,473,595	+ 3,190,889	183.38	+ 8,546,014	173.34
Manufactories, number	[b] 253,852	[b] 355,415	[b] 512,734	+ 101,563	40.00	+ 157,319	44.31
Manufactures, value of product	[b] $5,369,579,191	[b] $9,372,437,283	[b] $13,039,279,566	+ $4,002,858,092	74.54	+ $3,666,842,283	39.13
Factory employees, average number	[b] 2,732,592	[b] 4,712,622	[b] 5,719,137	+ 1,980,027	72.52	+ 1,006,515	21.37
Factory wages paid	$947,953,795	$2,283,216,529	[b] $2,735,430,848	+ $1,335,262,734	140.80	+ $452,214,319	19.80
Value of merchandise imports	$724,639,574	$827,402,462	$903,320,948	+ $102,762,888	14.17	+ $75,918,486	9.18
Value of merchandise exports	$750,542,257	$1,030,278,148	$1,381,719,401	+ $279,735,891	37.25	+ $351,441,253	34.12
Value of agricultural exports	$552,219,819	$799,328,232	$852,465,622	+ $247,108,423	44.77	+ $52,137,350	6.53
Value of manufactured exports	$134,794,346	$158,510,937	$403,641,401	+ $23,716,591	14.94	+ $245,130,464	154.65
Commercial failures, number	6,388	10,344	[g] 11,002	+ 3,606	53.00	+ 658	6.00
Liabilities failures, do	101,547,564	114,044,167	[g] 113,092,376	+ 12,496,603	12.30	− 951,791	.08

[a] Estimated.
[b] Census years and figures.
[c] Includes only those reporting, estimated at one-fourth the total number.
[d] Computed from interstate commerce report for 1901 and earnings statements of 1902.
[e] Preliminary estimate, 1902.
[f] Trade estimate.
[g] 1901.

TABLE 2.—*Industrial growth in the United States compared in significant items with conditions in Great Britain, Germany, and France.*

No exact comparison between the growth of this and other countries during the last ten years is possible, because trustworthy foreign statistics are far behind the period under consideration. It is to be borne in mind also that between this country and the nations of Europe there are very wide differences, owing mainly to the size of our country, its richness in natural resources, and the immense areas devoted to agriculture. In the table given herewith, however, there is significant evidence of the relative rapidity with which the United States has grown in the last ten years. Perhaps the most noteworthy item is that of exports of manufactures. Great Britain, with her enormous outflow to her colonies, exported last year more than $1,100,000,000 worth while we were disposing of $400,000,000 worth to foreign customers. But whereas Great Britain in this item lost more than 1 per cent in the decade from 1882 to 1892, and gained only 18 per cent in the last decade, the United States gained 155 per cent in the last ten years, after an advance of 15 per cent in the decade preceding.

UNITED KINGDOM.

	1882.	1892.	1901-2.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
Population	35,206,617	38,153,676	[a] 41,952,510	+ 2,947,059	8.37	+ 3,798,834	9.96
Individual deposits in national banks	[b] $118,421,000	[b] $153,231,000	[b] $204,496,000	+ $34,810,000	29.40	+ $51,265,000	33.46
Deposits in savings banks	$407,084,681	$575,407,797	[c] $936,116,543	+ $168,323,116	41.35	+ $360,708,746	62.69
Number of depositors in savings banks	4,411,959	6,954,236	[g] 10,434,877	+ 2,542,277	57.62	+ 3,480,641	50.05
Deposits in private banks [d]	$1,699,552,000	$2,573,094,000	$3,601,035,000	+ $873,542,000	51.40	+ $1,027,941,000	39.95
Deposits in all banks [e]	$2,225,057,681	$3,301,732,797	$4,741,647,543	+ $1,076,675,116	48.39	+ $1,439,914,746	43.61
Gold, including certificates, in circulation [f]	$592,000,000	$550,000,000	$511,000,000	− $42,000,000	7.09	− $39,000,000	7.01
National-bank notes outstanding [g]	$137,244,877	[g] $140,208,440	[g] $158,973,732	+ $2,963,563	2.16	+ $18,765,292	1.338
Money in circulation	$821,844,877	$790,208,440	$786,773,732	− $31,636,437	3.85	− $3,434,708	.40
Circulation per capita	$23.34	$20.71	$18.75	− $2.63	11.27	− $1.96	9.46
Total bank clearings [h]	$30,274,000,000	$31,544,000,000	$46,529,000,000	+ $1,270,000,000	4.13	+ $14,985,000,000	47.51
Cattle ..... number	9,832,417	11,519,417	11,477,824	+ 1,687,000	17.16	− 41,593	.36
Sheep ..... do	27,448,220	33,642,808	30,829,889	+ 6,194,588	22.57	− 2,812,919	8.33
Hogs ..... do	3,956,495	3,265,898	3,411,129	− 690,597	17.36	+ 145,231	4.45
Wheat ..... bushels	80,922,800	60,775,245	53,927,729	− 20,147,555	24.90	− 6,847,516	11.27
Copper ..... tons	3,464	495	532	− 2,969	85.71	+ 37	7.47
Coal production ..... do	156,499,977	181,786,871	219,046,945	+ 25,286,894	16.16	+ 37,260,074	20.50
Pig-iron production ..... do	8,586,680	6,709,255	7,928,647	− 1,877,425	21.86	+ 1,219,392	18.17
Steel production ..... do	2,259,649	3,019,640	5,000,000	+ 759,991	33.63	+ 1,980,360	65.61
Imports, merchandise	$2,001,251,000	$2,062,392,926	$2,540,265,299	+ $61,141,926	3.06	+ $477,872,373	23.12
Exports, merchandise	$1,085,521,000	$1,105,748,000	$1,362,728,000	+ $20,227,000	1.86	+ $256,980,000	23.24
Exports, manufactures	[i] $970,681,400	$956,791,289	$1,126,564,729	− $13,890,111	1.43	+ $169,773,440	17.74

GERMANY.

Population	45,719,000	[a] 50,266,000	57,666,000	+ 4,547,000	9.95	+ 7,300,000	14.52
Individual deposits in national banks	[j] $41,786,582	[j] $119,750,000	[j] $141,980,000	+ $77,963,418	186.57	+ $22,230,000	18.56
Deposits in savings banks	[k] $433,437,630	[k] $845,305,824	[kc] $1,367,499,204	+ $411,868,194	95.02	+ $522,193,380	61.78
Number of depositors in savings banks	[k] 3,341,610	[f] 5,974,782	[kc] 8,670,709	+ 2,633,172	78.80	+ 2,695,927	45.12
Gold, including certificates in circulation [e]	$387,144,000	$600,000,000	$721,100,000	+ $212,853,000	54.98	+ $121,100,000	20.18
National-bank notes outstanding [g]	$1,229,161,000	$1,284,177,000	$1,320,214,000	+ $55,016,000	24.01	+ $36,037,000	12.68
Money in circulation	$836,954,000	$1,094,177,000	$1,249,714,000	+ $257,223,000	30.73	+ $155,537,000	14.22
Circulation per capita	$18.36	$21.77	$21.71	+ $3.41	18.57	− $0.06	.0027
Cattle ..... number	15,786,764	17,555,694	[l] 18,959,632	+ 1,768,930	11.21	+ 1,383,998	7.88
Sheep ..... do	19,189,715	13,589,612	[l] 9,692,501	− 5,600,103	29.18	− 3,897,111	21.32
Hogs ..... do	9,206,195	12,174,288	[l] 16,807,014	+ 2,968,093	32.24	+ 4,632,726	38.05
Wheat ..... bushels	93,822,000	116,215,000	91,817,000	+ 22,393,000	23.87	− 24,398,000	20.99
Sugar production ..... metric tons	599,722	1,144,368	2,293,297	+ 544,646	90.82	+ 1,148,929	100.39
Copper ..... tons	17,200	25,400	31,081	+ 8,200	47.67	+ 6,281	24.73
Coal production ..... do	64,344,991	91,081,573	150,216,849	+ 26,736,582	41.55	+ 59,135,276	64.93
Pig-iron production ..... do	3,327,371	4,859,470	7,731,994	+ 1,532,099	46.04	+ 2,872,524	59.11
Steel production ..... do	1,057,820	2,712,659	6,293,170	+ 1,654,839	156.44	+ 3,580,511	131.99
Imports, merchandise	$759,489,654	$956,414,662	$1,351,017,234	+ $196,925,008	25.93	+ $394,602,572	41.26
Exports, merchandise	$744,822,904	$703,078,180	$1,113,125,048	− $41,804,724	5.61	+ $410,046,868	58.32
Exports, agricultural products	$204,399,000	$151,179,000	$182,354,000	− $53,220,000	26.04	+ $31,175,000	20.62
Exports, manufactures	$527,699,000	$530,145,000	$688,409,000	+ $2,446,000	.0046	+ $158,264,000	29.85

FRANCE.

Population	37,730,000	38,360,000	[m] 38,595,000	+ 630,000	16.69	+ 235,000	61.00
Individual deposits in national banks	[n] $72,046,000	[n] $65,929,000	[n] $71,813,000	− $6,117,000	8.49	+ $5,884,000	18.92
Deposits in savings banks	$347,882,000	$741,854,000	[c] $824,932,000	+ $393,972,000	113.25	+ $83,078,000	31.19
Number of depositors in savings banks	4,645,893	8,084,435	[c] 10,680,986	+ 3,438,542	74.01	+ 2,596,431	2.12
Gold, including certificates in circulation [f]	$874,876,000	$800,000,000	$810,600,000	− $74,876,000	8.56	+ $10,600,000	1.32
National-bank notes outstanding [g]	[o] $528,745,000	[o] $822,601,000	[o] $817,206,000	+ $93,856,000	17.75	+ $194,605,000	31.26
Money in circulation	$2,006,807,000	$2,122,601,000	$2,049,006,000	+ $115,794,000	5.77	− $73,595,000	3.47
Circulation per capita	$53.19	$55.33	$53.09	+ $2.14	4.02	− $2.24	4.05
Total bank clearings [h]	$877,205,000	$939,608,000	$2,056,607,000	+ $62,403,000	7.11	+ $1,116,999,000	118.88
Cattle ..... number	11,617,792	13,364,434	[l] 14,520,832	+ 1,746,639	15.04	+ 1,156,398	8.65
Sheep ..... do	21,634,706	21,504,956	[l] 20,179,561	− 129,750	.59	− 1,325,395	6.17
Hogs ..... do	6,259,980	6,339,100	[l] 6,740,405	+ 79,120	1.26	+ 401,305	6.33
Wheat ..... bushels	343,544,000	310,836,000	304,210,000	− 32,708,000	9.52	− 6,626,000	2.13
Corn ..... do	27,038,000	27,607,000	[l] 22,448,000	+ 539,000	1.99	− 5,159,000	18.69
Wool ..... pounds	80,140,000	107,221,000	[l] 96,720,000	+ 27,081,000	33.79	− 10,501,000	9.79
Sugar production ..... metric tons	337,088	578,110	1,055,000	+ 241,022	71.50	+ 476,890	82.49
Coal production ..... do	20,278,092	25,764,984	31,344,845	+ 5,486,892	27.05	+ 5,579,861	21.65
Pig-iron production ..... do	2,007,000	2,024,000	2,363,000	+ 17,000	.0084	+ 339,000	16.75
Steel production ..... do	446,612	671,741	[l] 1,570,326	+ 225,129	50.41	+ 898,585	133.77
Imports, merchandise	$930,607,000	$808,284,000	$909,898,000	− $122,223,000	13.14	+ $101,614,000	12.57
Exports, merchandise	$689,859,000	$667,915,100	$804,069,800	− $21,943,900	3.18	+ $136,154,700	20.39
Exports, agricultural products	$214,000,000	$184,000,000	$210,000,000	− $30,000,000	14.02	+ $26,000,000	14.13
Exports, manufactures	$364,447,000	$362,617,000	$398,104,000	− $1,830,000	5.02	+ $35,487,000	9.79

THE UNITED STATES.

	1882.	1892.	1902.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
Population	[p] 52,495,000	[p] 65,086,000	[p] 79,003,000	+ 12,591,000	23.99	+ 13,917,000	21.38
Individual deposits in national banks	$1,066,901,720	$1,764,456,177	$3,209,273,894	+ $697,554,457	65.38	+ $1,444,817,717	81.88
Deposits in savings banks	$966,797,081	$1,712,769,026	$2,750,177,290	+ $745,971,945	77.16	+ $1,037,408,264	60.57
Number of depositors in savings banks	2,710,354	4,781,605	6,666,672	+ 2,071,251	76.42	+ 1,885,067	39.42
Deposits in private banks [d]	$295,622,160	[q] $93,091,148	$131,669,948	− $202,531,012	685.16	+ $38,578,800	41.44
Deposits in all banks [e]	$2,755,938,053	$4,630,490,156	$9,315,193,912	+ $1,874,552,103	68.00	+ $4,684,703,756	101.19
Gold, including certificates, in circulation [f]	$363,280,345	$549,662,443	$938,793,298	+ $186,382,098	51.30	+ $389,130,855	70.77

TABLE 2.—*Industrial growth in the United States compared in significant items with conditions in Great Britain, Germany, and France*—Continued.

THE UNITED STATES—continued.

	1882.	1892.	1902.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
National-bank notes outstanding[a]	$362,727,747	$172,432,146	$380,476,334	− $190,295,601	52.18	+ $208,044,188	120.67
Money in circulation	$1,174,290,419	$1,601,347,187	$2,249,390,551	+ $427,056,768	36.45	+ $648,043,364	40.46
Circulation per capita	$22.37	$24.60	$28.43	+ $2.23	9.97	+ $3.83	15.57
Total bank clearings[b]	$61,054,353,600	$60,883,572,438	$116,021,618,003	− $170,781,162	.03	+$55,138,045,565	90.56
Cattle number	35,891,870	54,067,590	r67,822,336	+ 18,175,720	50.63	+ 13,754,746	25.44
Sheep do	45,016,224	44,938,365	r61,605,811	+ 77,859	.17	+ 16,667,446	37.12
Hogs do	44,122,200	52,398,019	r62,876,108	+ 8,275,819	18.77	+ 10,478,089	20.00
Wheat bushels	504,185,470	515,949,000	s626,947,007	+ 11,763,530	2.33	+ 110,998,007	21.51
Corn do	1,617,025,100	1,628,464,000	s2,545,366,379	+ 11,438,900	.71	+ 916,902,379	56.25
Wool pounds	272,000,000	294,000,000	316,341,032	+ 22,000,000	8.09	+ 22,341,032	7.60
Sugar production metric tons	164,000	256,064	473,126	+ 92,064	56.14	+ 217,062	84.77
Cotton tons	40,467	154,018	272,264	+ 113,551	280.38	+ 118,246	76.78
Coal production do	92,219,454	160,115,242	t280,000,000	+ 67,895,788	73.62	+ 119,884,758	75.00
Pig-iron production do	4,623,323	9,157,000	t17,782,000	+ 4,533,677	98.99	+ 8,625,000	94.14
Steel production do	1,736,692	4,927,581	u13,473,595	+ 3,190,889	183.38	+ 8,546,014	173.34
Imports, merchandise	$724,639,574	$827,402,462	$903,320,948	+ $102,762,888	14.17	+ $75,918,486	9.18
Exports, merchandise	$750,542,257	$1,030,278,148	$1,381,719,401	+ $279,735,891	37.25	+ $351,441,253	34.12
Exports, agricultural products	$552,219,819	$799,328,232	$851,465,622	+ $247,108,423	44.77	+ $52,137,350	6.53
Exports, manufactures	$134,794,346	$158,510,937	$403,641,401	+ $23,716,591	14.94	+ $245,130,464	154.65

[a] June 30, 1902.
[b] October statements of the London Economist for the Bank of England.
[c] Data for December 31, 1901.
[d] October statements of the London Economist for all joint stock banks except the Bank of England.
[e] October statements of the London Economist for all joint stock banks.
[f] Entire stock of gold and silver in monetary use, as given by the Director of the Mint.
[g] Notes issued by joint stock banks including the issue department of the Bank of England (less gold reserve of this department).
[h] Operations of the London Bankers' Clearing House and the Paris "Chambre des compensations," respectively.
[i] Data for the year 1880, ending December 31.
[j] Statements for the Imperial Bank and other banks of issue.
[k] Figures for Prussia only.
[l] For the year 1900.
[m] Census population March 24, 1901.
[n] October statements of the London Economist for the Bank of France and branches.
[o] All notes issued by the Bank of France.
[p] Estimated by actuary of Treasury Department.
[q] Includes only these reports, about one-quarter.
[r] Census years and figures.
[s] Preliminary estimate.
[t] Trade estimate.
[u] 1901.

TABLE 3.—*The growth of railway earnings.*

	1882.	1892.	1902.	Increase. 1892 over 1882.	1902 over 1892.
Mileage reporting	112,412	171,563	195,945		
Gross earnings	$770,356,762	$1,171,407,343	$1,711,745,200	$401,050,581	$540,337,851
Net earnings	$280,409,758	$390,404,347	$606,616,795	$109,994,589	$216,212,458
Total income	$310,862,877	$532,370,129	$688,331,287	$221,507,252	$155,968,158
Charges	$149,245,380	$416,404,928	$458,459,951	$267,159,548	$42,055,023
Net income	$161,617,477	$115,965,191	$229,871,336	a $45,652,287	$113,906,135
Dividends	$102,031,434	$101,929,135	$150,685,959	a $102,239	$48,756,824
Surplus	$59,586,343	$14,036,056	$79,185,367	a $45,550,282	$65,149,311

	1882.	1892.	1902.	Changes. 1892 over 1882.	1901 over 1892.
Passengers carried	289,190,783	560,958,211	607,278,121	271,767,424	46,319,910
Passengers carried 1 mile	6,834,048,765	13,362,898,299	17,353,588,444	6,528,839,534	3,990,690,145
Tons of freight	360,490,375	706,555,471	1,089,226,444	346,065,096	382,670,973
Tons of freight, 1 mile	39,302,209,249	88,241,050,225	147,087,136,040	48,938,840,976	58,846,085,815

[a] Decrease.

Now, we have another feature in this bill and that is what is known as "publicity." The committee framing this bill believe that the time had come when the people demand that they should know something about these great industrial combinations; that if the States see fit to allow them to be organized and make no return, then the people have the right to know what they were composed of, who the men are that are in their management, how much actual cash had been paid in, and what are their methods of doing business, and the first seven sections of the substitute bill provide for these returns, leaving it in the discretion of the commission that supervises them to call for an annual return, and the bill further provides the kind of an annual return it shall call for.

More than that, this bill provides that the Interstate Commerce Commission may at any time call upon any officer or any person connected with these corporations to come and give information under oath, and every return has to be made under oath in order that they may know the methods of these corporations. Now, while that publicity does not go as far as some would have it go, it is in the right direction, and in my judgment it goes as far as it ought to go at the present time.

Mr. THAYER. Mr. Chairman, I notice that in the bill known as the Littlefield bill, which was first introduced, provision is made "that every corporation engaged in interstate commerce," and so on, and in the substitute presented here it applies to those that shall come hereafter. I want to ask the gentleman why in his opinion he thinks we should make a law now applicable only to those who shall come after and not compel those already in existence to make some returns? Why was that change made?

Mr. POWERS of Massachusetts. I will say, Mr. Chairman, that I voted for that change, and for this reason: We believe that if you require every new corporation entering the field to file a return when entering upon interstate commerce it will go a long way to prevent overcapitalization of industrial corporations. To require a corporation which is now doing business, which is already organized, to make a return in no sense affects the question of overcapitalization. I do not assume that my friend from Massachusetts [Mr. THAYER] would say that he was in favor of a law which would require every combination that was overcapitalized to reform its capitalization before it could do interstate business.

I assume that to-day there is not one corporation doing interstate commerce business out of one hundred which is not overcapitalized, but what I do believe is this, that if the policy of this Government for the future is to require disclosure of every corporation which proposes to do an interstate business to make the return required by this law, it will go a long way toward deterring American citizens from organizing overcapitalized corporations.

More than that, the Interstate Commerce Commission can call upon every corporation doing an interstate commerce business for the same kind of a return that it calls for from the corporation that may be hereafter organized.

Mr. THAYER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS of Massachusetts. I yield for a question only.

Mr. THAYER. But, as I understand your bill, it does not prohibit overcapitalization, even in the future. Therefore, why will

it not be as applicable to those already in existence as to those that are to come after?

Mr. POWERS of Massachusetts. The question whether a corporation shall be overcapitalized or not is a matter entirely for the State. We can not reach that. Every State has the right to prevent the overcapitalization of its corporations. The State of Massachusetts, a part of which I have the honor to represent in this Chamber, has provided by law for more than twenty years that no corporation shall do business until its capitalization has been passed upon by a commissioner of corporations.

Mr. THAYER. Why would not that be good for the whole country?

Mr. POWERS of Massachusetts. I have no question but that would be a good thing for the whole country; but one thing is true, capital always goes along the path of least resistance. It will go to that State and organize where it can get the greatest privileges. It will go to a State like New Jersey and organize, where it is permitted to do things under a charter that it can obtain in that State that it can not do under a charter that it can obtain from the Commonwealth of Massachusetts. The State of New Jersey—and I say nothing disrespectful of the State of New Jersey; I think the same is pretty nearly true of the State of Maine, from which my friend [Mr. LITTLEFIELD] in charge of this bill comes; also the State of Delaware and the State of West Virginia—but the State of New Jersey last year received from corporations and from capital that came in from outside the State more than $3,000,000—enough to pay all its State expenses, and a surplus to be put aside. Can you expect the State of New Jersey, with that temptation before it, to change its laws and to fall into line with the policy of the Commonwealth of Massachusetts?

Mr. MORRIS. Mr. Chairman, will the gentleman permit a question?

Mr. POWERS of Massachusetts. I yield to the gentleman from Minnesota.

Mr. MORRIS. Could not the General Government prevent overcapitalization just in the same way that in section 6 of the Littlefield bill you prevent the attempt to monopolize any department of business? In section 6 of the Littlefield bill there is a provision that no corporation which is attempting to monopolize any department of business shall make use of the agencies of interstate commerce. Now, could not overcapitalization be prevented in the same way—by forbidding any overcapitalized company to enjoy the agencies of interstate commerce—and could not the General Government do it in that way?

Mr. POWERS of Massachusetts. I have no question, Mr. Chairman, that this Congress has the authority, under the commerce clause of the Constitution, to say that no corporation that is overcapitalized, wherever it may be created, shall have the privilege of doing interstate commerce business. But I take it that my friend from Minnesota is not quite ready to vote for a bill that will prevent and prohibit 90 per cent, at least, of all the interstate commerce corporations to-day from doing business. Suppose we put that into effect. I will assume that we stop at once the operations of the Standard Oil Company. I assume that we stop in the next place the operations of what is known as the sugar trust.

Mr. MORRIS. Could you not put it into effect as to future corporations, as you have done the provisions for publicity, leaving out the corporations organized in the past?

The time of Mr. POWERS of Massachusetts having expired, Mr. LITTLEFIELD yielded to him five minutes more.

Mr. POWERS of Massachusetts. I have no question but that that could be done, and very likely my friend from Minnesota has in mind a bill that was introduced into the Senate sometime since by the senior Senator from Massachusetts; but it strikes me that we do not need to do that at the present time. It strikes me that all we are required to do at the present time is to prevent these great industrial combinations from taking rebates from the railroads, preventing the railroads from giving rebates and discriminations to the shippers; that when you have stopped that, and when you have stopped at the same time the corporations or large combinations from attempting to create monopolies, we have accomplished all the people demand of us.

One thing, however, Mr. Chairman, must be born in mind. There is growing up in this country to-day what is called a socialistic party and a socialistic sentiment. In my State during the last year there was an increase from 4,000 votes at the State election to nearly 40,000 for that party. There are to-day a large number of intelligent people who believe that the time has come for the United States Government to proceed to take possession of the railroads and the other corporations engaged in public service between the States. It is important that this Congress should enact some legislation to satisfy the people that we propose to hold these gigantic monopolies well in check.

I believe that in this bill, when it is carefully considered, the House will reach the conclusion that it has accomplished that. One thing we must bear in mind is that legislation ought not to be enacted by men who believe that every corporation is wrong and ought to be destroyed. I believe that a measure of this kind ought to be conservative in its character. On the other hand, he who thinks that the industrial conditions of the present time are all right and do not need to be safeguarded does not understand or comprehend the situation. The great majority of the Representatives in this body believe in a fair protection of vested interests, and at the same time a fair protection of the consumer, and it is the great conservative element, recognizing the importance of labor upon the one hand and recognizing the importance of capital upon the other, that will work out this problem for the welfare of the people and the welfare of the Republic. [Loud applause on the Republican side.]

Mr. DE ARMOND. I yield one hour to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, I have listened with a great deal of pleasure to the excellent address delivered by the distinguished gentleman from Massachusetts [Mr. POWERS]. It was pitched upon a high plane and ought to be sufficient to induce the House to support the pending bill. But, Mr. Chairman, as excellent as his address was, and however much merit this bill may have, it should have, by way of amendment, more effective provisions for the suppression of the trust evil. In behalf of the minority of the Committee on the Judiciary of this House, I am authorized to say that we will support this bill, not because it meets the popular demand, but because we hope to amend it; and that if we can not do that, then we will vote for it for the reason that it has at least a little merit.

I want to indorse what the gentleman [Mr. POWERS] has said as to the conduct of our consideration of trust measures before the Committee on the Judiciary. And as he violated no committee secret, I violate none in saying that those discussions took no party tinge upon questions of law; but it, perhaps, would not be out of place to say that there, as here, whenever a proposition has been or is urged for the enactment of any law that militates against any party policy or cherished economic theory, it did and always will provoke opposition on partisan lines.

The gentleman was correct in telling the House that this bill as now reported is predicated solely upon the commerce clause of the Constitution. If you have done the minority the honor to read their views you will readily see the difference between the minority of the Committee on the Judiciary and the majority. It is apparent, as has already been disclosed here to-day, that the majority of that committee and the majority of this House—more than that, that the majority of the other legislative branch of the Government, and the head of the Republican party in the White House, as well—differ from the Democratic party in that in all their demands for legislation for the control of the trusts and for the suppression of the criminal trade conspiracies Republicans now ground all their proposed remedies upon one constitutional provision—that is, the power of Congress to regulate interstate commerce.

Mr. Chairman, it has been said, in substance, by some great statesman—Burke, perhaps, but I care not who said it—that around the question of taxation the greatest battles of civilization have been fought. And around this question to-day the battle of the people against the giant combines engaged in criminal conspiracy in the restraint of trade for the purpose of limiting production, of enhancing prices, of lowering wages, of crushing out the independent producer, of destroying the business man of moderate means—around this question and taxation as a remedy must be fought the battle against the tyranny of monopoly and the oppression of unlimited and uncontrolled wealth.

Mr. Chairman, there is more than one provision of the Federal Constitution that those of us on this side invoke to meet this evil. We are not content with singling out one provision of the organic law of the Union to meet every phase of the trust wrongs and injuries. The argument of the gentleman from Massachusetts [Mr. POWERS], just delivered, well illustrates the futility of invoking the commerce clause solely. He points out certain corporations that perhaps can not be reached by the commerce power of Congress, and he undertakes to show that certain corporations or trusts can not be reached by the taxing power of the Federal Government.

Mr. Chairman, I recur to what happened in the Fifty-fifth Congress for the purpose of showing that the power of taxation was then demanded in this House by a distinguished Democrat to meet the trust evil, which then was merely threatened as compared now with its subsequent and present development. Let me refer to the fact that when the Dingley bill was presented here, the distinguished Kentuckian [Mr. WHEELER] offered a provision to tax the trust corporations engaging in interstate commerce. And, further, that repeatedly during the debate on that measure, and since, Democrats have offered provisions to remit certain tariff

taxes in order that combines built up and fostered by the abuse of the taxing power should not be sheltered behind the tariff wall.

Permit me, Mr. Chairman, to digress for one moment for the sake of history. In the Fifty-sixth Congress the two parties assumed a different attitude. For in the latter days of the long session of that Congress, within six days of the adjournment of that session, two measures were brought into this House and briefly debated and put through here by the majority. Attention to this fact is invited so that the gentlemen of the Republican party may know that while their distinguished President is discussing the doctrine of evolution in the next campaign, as he did in the last, he may be reminded that the present pretended hostility of the Republican party to the trusts is, to some extent, evolution from their position that no effective remedy was possible without an amendment of the Constitution.

You remember that the proposition was brought forward to amend the Constitution of the United States. You will remember that the chairman of the Committee on the Judiciary at that time made a labored, able, and extensive speech, of perhaps three hours in length, in which he took the position that Congress was powerless to deal with trade monopolies and restraints without a constitutional amendment. I shall quote from his speech to show that the contention of the Republican party at that time is variant from their present assumed attitude. A distinguished member of that committee, Mr. OVERSTREET, who wrote the report on the bill called the Littlefield bill in the Fifty-sixth Congress, took the position that publicity, as a remedy, was worthy of no consideration. He then reported that bill eschewing the publicity feature. Contrast that with the repeated later demand of President Roosevelt for publicity. Hear also Attorney-General Knox at Pittsburg last October:

> They (corporations) should be subject to visitorial supervision, and full and accurate information as to the operations should be made regularly at reasonable intervals. Secrecy in the conduct and result of operation is unfair to the nonmanaging stockholders, and should, as well for reasons of state, be prohibited by law.

And now we have this bill with elaborate provisions for publicity. So that we congratulate you, gentlemen, that you have evoluted from the position of demanding a constitutional amendment as the sine qua non to deal with trusts to your present insistance that publicity will do good and is the best remedy. [Applause on the Democratic side.]

Hereafter when you discuss the Darwinian theory, which is applicable in the case of mollusks and monkeys, make some application of it to the Republican party. [Laughter and applause on the Democratic side.] That party has at last reached the monkey stage, where it has vertebræ and a tail, and monkey-like imitates some of the good actions of the Democratic party. [Loud laughter on the Democratic side.] We challenge you to read the debates of the Fifty-sixth Congress. I have them here. I go loaded for you. [Laughter.] If you want to see them come over here and get them. I challenge you to read these debates right here, and see if you gentlemen did not take the position that you were powerless without a constitutional amendment.

You cried out for it; you said that the interstate-commerce clause was inadequate. Learned lawyers made ingenious arguments to support that contention. Ah, but in the process of evolution, when you have reached the vertebrate state, when you cease to be oysters, clams, or—shall I say lobsters [laughter]—when you have passed to that stage of evolution you now come to the Democratic position that there is sufficient power in the Congress under the Constitution to deal with these gigantic trade conspiracies. [Applause on the Democratic side.]

Mr. LITTLEFIELD. Will the distinguished gentleman allow me a question?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. Will the gentleman be kind enough to inform us what speakers he refers to?

Mr. CLAYTON. I refer particularly to the speech of the gentleman from New York [Mr. Ray].

Mr. LITTLEFIELD. And to what other?

Mr. CLAYTON. Oh, they are all set out in these debates.

Mr. LITTLEFIELD. Well, that is rather too big a bundle for me to look at in a moment.

Mr. CLAYTON. It has a good lot of other things in it, I admit.

Mr. LITTLEFIELD. What other speech does the gentleman refer to?

Mr. CLAYTON. I shall set them out in my speech. I haven't the time to trace the history of the evolution of the Republican party now.

Mr. LITTLEFIELD. Through its cuttlefish, mollusk, clam, lobster, and monkey stages, the gentleman means? [Laughter.]

Mr. CLAYTON. Yes; including the Republican party. [Laughter on the Democratic side.]

Mr. LITTLEFIELD. But the gentleman does not remember any speech except that of the gentleman from New York?

Mr. CLAYTON. There was Mr. OVERSTREET'S report that I told you about.

Mr. LITTLEFIELD. But I am not talking about reports; I am talking about speeches.

Mr. CLAYTON. The whole Republican membership of the committee indorsed Mr. OVERSTREET'S report, I think.

Mr. LITTLEFIELD. The gentleman from Alabama is not treating the House fairly when he says that.

Mr. CLAYTON. Well, I will be just and say that I looked over the speech of the gentleman from Maine——

Mr. LITTLEFIELD. Did you find that proposition there?

Mr. CLAYTON. Well, I did not find anything in it that I can now remember. [Laughter.] Not a thing. [Laughter.] That is, that impressed me.

Mr. LITTLEFIELD. If the gentleman succeeded in taking in the speech of the gentleman from Maine, he did not have room for anything else.

Mr. CLAYTON. Well, I modestly guess that is correct.

Mr. LITTLEFIELD. No doubt about that. The Democracy——

Mr. CLAYTON. Oh, now, the gentleman will have the conclusion of this debate, and he ought not to take up my time in this way. It is not fair.

Mr. LITTLEFIELD. But when I rise to ask you a fair question, there is no reason why you should not treat me fairly.

Mr. CLAYTON. That is what I am trying to do.

Mr. LITTLEFIELD. I should like the names of the men who made those speeches that the gentleman has referred to.

Mr. CLAYTON. I have named them, or some of them. Will some one of my colleagues here take this book, a compilation of trust speeches and the like, prepared by the Attorney-General, and carry it right over there to my friend from Maine and show him these speeches?

Mr. WILLIAMS of Mississippi. It is very reasonable to assume that every man who has signed the report must have made a speech on the line of the report.

Mr. LITTLEFIELD rose.

Mr. CLAYTON. Oh, I hope the gentleman will not consume my time further. I now have less than an hour.

Mr. BALL of Texas rose.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Texas?

Mr. CLAYTON. Yes, sir.

Mr. BALL of Texas. I will make the statement that the gentleman from Maine did state that Congress was without power to deal effectively with these monopolies except by constitutional amendment. I can show that.

Mr. CLAYTON. I hope my friend will look it up and show it to my friend from Maine.

Mr. LITTLEFIELD. It may be there, and it may not be.

Mr. CLAYTON. Now, Mr. Chairman, I want to get out of the way some more small brush. I want to get rid of the historical lie that I have heard brought forward here now and have heard brought forward before, and that is the statement that the only trust legislation we have ever had in this country was by Republicans.

I have here the entire history of the so-called Sherman antitrust law. I have searched the records and I find that the bill as introduced by Mr. John Sherman in the Senate had a coach and four driven through it by the Senator from Mississippi, Mr. George, and that afterwards, on the motion of the other Senator from Mississippi, Mr. Walthall, that bill was taken from the Finance Committee of the Senate, of which Mr. Sherman was chairman, and sent to the Committee on the Judiciary of that body, which committee brought forward a measure striking out the whole of the bill proposed by Mr. Sherman except the enacting clause, and substituted what is now incorrectly but commonly called the Sherman antitrust law. I find, further, that every Democrat who voted in the Senate voted for that measure. The sole man who voted against it was Mr. Blodgett, who, I believe, was a Republican.

Now, when that bill came to the House that great lawyer and Democrat from Texas, David B. Culberson, reported it to the House. And you can trace that measure along until it became a law, and you will find that every Democrat voted for it when it passed this body. So much for that.

Now, there is another thing that I want to talk about briefly. I want to take up that page of the Republican campaign book where they quote some sort of an expression from Mr. McKinley to this effect: That you do not have to guess what the Republican party will do; you know what it will do.

Mr. LITTLEFIELD rose.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. CLAYTON. Yes, for a question.

Mr. LITTLEFIELD. I have been informed that Mr. Blodgett was a Senator from New Jersey, and was a Democrat, not a Republican.

Mr. CLAYTON. Well, he was the sole man who voted against that measure.

But that is immaterial. Let me go on and preach my sermon from this Republican text. I was talking about that statement on the front page of that book to the effect. you do not have to guess what the Republican party will do. Well, I have a guess coming to me now, and I want to guess it at this moment. In the Fifty-sixth Congress we all guessed that the Littlefield bill would never see the light in the Senate. We guessed that your constitutional amendment would die after that campaign ended. And it did die and is yet clad in the cerements of a Republican Senatorial grave.

Now, we want to make another guess right here. We guess here and now that you are not going to pass into law this bill which you are about to pass through this House under a special rule, and for which we shall vote. This bill has in it certain provisions which corporate greed and monopoly will not permit the majority party to vote into law. [Applause on the Democratic side.] Read sections 5, 6, and 7—I believe those are the numbers. I undertake to say that some of those sections will never be enacted by a Republican Congress into law.

Now, personally I have confidence in and respect for gentlemen on the Republican side of this House; but no Republican is bigger than his party, and it is your party that controls you and is amenable to criticism.

There is no organization on earth where the rule of majority carried to brutality is so well exemplified as in the case of your party. Your party has created these trusts and now protects them. The trusts have fed you during the campaigns, they have furnished the money that has paid your election expenses, and the Republican party is as wise as the two animals mentioned in the Scriptures.

The ox knoweth his owner and the ass his master's crib.

[Applause and laughter on the Democratic side.]

Now, go ahead with the guessing, and you will see that this bill as presented here to-day will never become a law. And while the gentleman from Maine [Mr. LITTLEFIELD] seems to be so tender of his own record, I want to call attention to the fact that at one time in the process of his evolution he favored the exercise in some way of the taxing power against trade monopolies, for he introduced into this House a bill proposing to levy a tax upon the watered stock of these corporations. But evolution goes on, and the taxing clause is entirely abandoned in the bill which is presented to this House to-day.

Mr. BALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. BALL of Texas. I find on page 604 of the Appendix to the CONGRESSIONAL RECORD, of the last session of the Fifty-sixth Congress, these remarks in the able speech made by the gentleman from Maine [Mr. LITTLEFIELD] in regard to the necessity for a constitutional amendment:

Mr. Bryan says: "I am in favor of an amendment to the Constitution that will give Congress the power to destroy every trust in the country."

Mr. LITTLEFIELD. This amendment will do it. Under the Constitution as it is Congress can not do it.

[Applause on the Democratic side.]

Mr. CLAYTON. Now, I want to ask the gentleman from Maine one question, and I want him to give me a categorical answer. I will ask the gentleman if he has not evoluted?

Mr. LITTLEFIELD. No; I stand by that statement now.

Mr. CLAYTON. I just want a categorical answer.

Mr LITTLEFIELD. It is absolutely true as a legal proposition. It does not say that Congress had exhausted its power. The gentleman from Texas had better look that speech up and see if he can find any statement of the gentleman from Maine that Congress had exhausted its power. Under the Constitution as it stands we can only reach the trusts engaged in interstate commerce.

Mr. CLAYTON. Oh, Mr. Chairman. I must ask the gentleman not to make a speech, he must let me have a fair whack. He has the majority and power and can do as he pleases, and he ought to treat us underlings over here fairly. Now, please do sit down a while. [Laughter.]

Mr. LITTLEFIELD. And not kick the under dog when he is down.

Mr. CLAYTON. Sit down, you constitutional lawyers, sit down and rest, and let the representative of a great farming district talk.

Mr. LITTLEFIELD. I will have to get up again in order to sit down, for I was seated when the gentleman ordered me to sit down.

Mr. CLAYTON. Thank you, sir. Now, Mr. Chairman, the minority views set forth several propositions embodying the taxing powers vested in Congress, and I insist that under the commerce and taxing powers every trust—those engaged in interstate and those engaged in intrastate commerce—can be dealt with effectively.

I call attention to the amendment proposed by the minority, which offers to put certain articles upon the free list:

Amend by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of duty:

"Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"Borax, borate of lime, and boracic acid.

"Paris green.

"Paper, and pulp for the manufacture of paper.

"Salt.

"Plate glass and window glass."

And another amendment is suggested clothing the President with the discretionary power to remit the tariff on trust-made articles:

Amend by adding the following:

"The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article or articles of its class and kind are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

I shall print certain information in relation to some of those articles and the trusts that control them. There is another provision presented by the minority that seeks to levy a special tax upon certain corporations. That provision calls for the exercise of the undoubted taxing power of the Federal Government—the proposition to remit the customs duties on certain articles invokes in another way, a negative way, the taxing power.

Mr. Chairman, we may well pretermit any extensive academic discussions of this subject, the trusts, and leave that to the magazines and to the well-considered essays that adorn the pages of the CONGRESSIONAL RECORD. But, sir, I desire to call brief attention to certain provisions of the Constitution and the remedies thereunder, and which we have brought forward, which we now invoke, but which the rule that was arbitrarily adopted to-day will perhaps deprive us from further offering.

The Constitution of the United States provides, among other things, that Congress shall have power to lay and collect taxes, duties, imposts, and excises, to provide for the general welfare of the United States; to regulate commerce with foreign nations and among the several States; to establish post-offices and post-roads; and to make all laws which shall be necessary for carrying into operation the foregoing powers vested by this Constitution in the Government of the United States or any department thereof.

It must be admitted that the taxing power vested in Congress is perhaps in higher degree more plenary than the commerce power. The great case which gives the first exposition and the great exposition of the commerce clause of the Constitution is Gibbons *v.* Ogden. The first great case that gives an exposition of the taxing power is McCulloch *v.* Maryland. The leading recent case that defines the power of Congress to deal with corporations engaged in interstate commerce is the Addyston Pipe case. The leading cases that differentiate the power of the Federal Government from the power reserved to the States are the Knight Sugar Refining case and the Hopkins case.

Gentleman, read these cases, and those set out in the compilation prepared by the Attorney-General, and you will readily see what the power of Congress is. You will have no difficulty in distinguishing the taxing power from the commerce power. You will observe that the taxing power is unlimited, except in one particular, and that is that we can not levy an export tax. You will see that there are two qualifications to this taxing power, namely: The taxation must be uniform, and capitation or other direct taxes must be apportioned according to population. There is, of course, one other implied limitation, namely, a tax can not be levied upon a State, or the agencies whereby it discharges the functions of government. With that expressed exception and that implied exception, and with those two qualifications, the taxing power of the Federal Government is as absolute as ever belonged to any sovereign.

Now, gentlemen, if your party desires to meet the trust evil, why not apply all the proper agencies and instrumentalities of the Federal Government to that end? Why not put in your bill a denial of the privileges of the mails to these criminal conspirators? Why not impose an occupation or other special tax upon them? Why not tax watered stock? Let me assert a proposition, and I challenge its dispute, that it is within the power of Congress to levy a special tax on every corporation in this country and also levy a tax on the capital stock of every corporation, whether that corporation is engaged in intrastate or interstate commerce, or whether it be limited solely to manufacturing, or to any other business. Will you deny the proposition that this Government can levy such a tax? Now, let me for the benefit of

the laymen here—because I assume that every lawyer is familiar with these cases—read some of the decisions upon this point:

In Scholey *v.* Rew, 90 United States, page 331 (succession tax), the court said:

Apply the rule to be deduced from that enactment to the facts found by the court, and it must follow that the argument of the United States is well founded, unless some one or more of the special objections to the tax set up by the plaintiff are sufficient to exonerate him from such liability. Those objections are as follows: (1) That the act imposing the duty is unconstitutional and void. (2) That the case is not one within the act imposing the tax or duty. (3) That the plaintiff being an alien the devise to him is absolutely void.

1. Support to the first objection is attempted to be drawn from that clause of the Constitution which provides that direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers, and also from the clause which provides that no capitation or other direct tax shall be laid unless in proportion to the census or amended enumeration; but it is clear that the tax or duty levied by the act under consideration is not a direct tax within the meaning of either of those provisions. Instead of that it is plainly an excise tax or duty, authorized by section 8 of Article I, which vests the power in Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

Such a tax or duty is neither a tax on land nor a capitation exaction, as subsequently appears from the language of the section imposing the tax or duty, as well as from the preceding section, which provides that the term succession shall denote the devolution of real estate; and the section which imposes the tax or duty also contains a corresponding clause which provides that the term successor shall denote the person so entitled, and that the term predecessor shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

Successor is employed in the act as the correlative to predecessor, and the succession or devolution of the real estate is the subject-matter of the tax or duty, or in other words, it is the right to become the successor of real estate upon the death of the predecessor, whether the devolution or disposition of the same is effected by will, deed, or laws of descent, from a grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived; nor is the question affected in the least by the fact that the tax or duty is made a lien upon the land, as the lien is merely an appropriate regulation to secure the collection of the exaction.

Indirect taxes, such as duties of impost and excises and every other description of the same, must be uniform, and direct taxes must be laid in proportion to the census or enumeration as remodeled in the fourteenth amendment. Taxes on lands, houses, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category; but it never has been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers that the assessment is invalid.

Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax on income, which can not be distinguished in principle from a succession tax such as the one involved in the present controversy.

Neither duties nor excises were regarded as direct taxes by the authors of the Federalist. Objection was made to the power to impose such taxes, and in answering that objection Mr. Hamilton said that the proportion of these taxes is not to be left to the discretion of the National Legislature, but it is to be determined by the numbers of each State, as described in the second section of the first article. An actual census or enumeration of the people must furnish the rule, a circumstance which shuts the door to partiality or oppression. In addition to the precaution just mentioned, said he, there is a provision that all duties of imposts and excises shall be uniform throughout the United States.

Exactions for the support of the Government may assume the form of duties, imposts or excises, or they may also assume the form of license fees for permission to carry on particular occupations or to enjoy special franchises, or THEY MAY BE SPECIFIC IN FORM, AS WHEN LEVIED UPON CORPORATIONS IN REFERENCE TO THE AMOUNT OF CAPITAL STOCK OR TO THE BUSINESS DONE OR PROFITS EARNED BY THE INDIVIDUAL OR CORPORATION.

2. Sufficient appears in the prior suggestions to define the language employed and to point out what is the true intent and meaning of the provision, and to make it plain that the exaction is not a tax upon the land, and that it was rightfully levied, if the findings of the court show that the plaintiff became entitled, in the language of the section, or acquired the estate or the right to the income thereof by the devolution of the title to the same, as assumed by the United States.

Doubt upon that subject, it would seem, can not be entertained if it be conceded that the subject-matter of the assessment is the devolution of the estate or the right to become beneficially entitled to the same, or the income thereof, in possession or expectancy, under the circumstances and conditions specified in the other parts of the section.

In the License Tax cases, 72 U. S., 462, the court said:

And it is difficult to perceive wherein the legislation we are called upon to consider is contrary to public policy.

This court can know nothing of public policy except from the Constitution and the laws, and the course of administration and decision. It has no legislative powers. It can not amend or modify any legislative acts. It can not examine questions as expedient or inexpedient, as politic or impolitic. Considerations of that sort must, in general, be addressed to the legislature. Questions of policy determined there are concluded here. * * *

It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But it reaches only existing subjects. Congress can not authorize a trade or business within a State in order to tax it.

If, therefore, the license under consideration must be regarded as giving authority to carry on the branches of business which they license, it might be difficult, if not impossible, to reconcile the granting of them with the Constitution.

But it is not necessary to regard these laws as giving such authority. So far as they relate to trade within State limits, they give none and can give none. They simply express the purpose of the Government not to interfere by penal proceedings with the trade nominally licensed, if the required taxes are paid. The power to tax is not questioned nor the power to impose penalties for nonpayment of taxes. The granting of a license, therefore, must be regarded as nothing more than a mere form of imposing a tax and of implying nothing except that the licensee shall be subject to no penalties under national law if he pays it.

This construction is warranted by the practice of the Government from its organization. As early as 1794 retail dealers in wines or in foreign distilled liquors were required to obtain and pay for licenses and renew them annually, and penalties were imposed for carrying on the business without compliance with the law. In 1862 these license-taxes and the other excise or internal taxes which had been imposed under the exigencies of the time, being no longer needed, were abolished. In 1813 revenue from excise was again required, and laws were enacted for the licensing of retail dealers in foreign merchandise, as well as to retail dealers in wines and various descriptions of liquors. These taxes also were abolished after the necessity for them had passed away, in 1817.

No claim was ever made that the licenses thus required gave authority to exercise trade or carry on business within a State. They were regarded merely as a convenient mode of imposing taxes on several descriptions of business, and of ascertaining the parties from whom such taxes were to be collected.

With this course of legislation in view, we can not say that there is anything contrary to the Constitution in these provisions of the recent or existing internal-revenue acts relating to licenses. * * * *Upon the whole, we conclude* * * *

5. That the recognition by the acts of Congress of the power and right of the States to tax, control, or regulate any business carried on within its limits is entirely consistent with an intention on the part of Congress to tax such business for national purposes.

In Pacific Insurance Company *v.* Soule, 7 Wallace, 433, where the court considered the proposition asserted by the insurance company that under the act of June 30, 1864, and the amendment of July 13, 1866, the tax levied upon the amounts insured, renewed, or continued by insurance companies upon the gross amounts of premiums received and assessments made by them, and also upon dividends, undistributed sums, and income, was a direct tax, the court held to the contrary, and said:

The taxing power is given in the most comprehensive terms. The only limitations imposed are: That direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform, and that no duties shall be imposed upon articles exported from any State. With these exceptions, the exercise of the power is, in all respects, unfettered. * * *

To the question under consideration it must be answered that the tax to which it relates is not a direct tax, but a duty or excise; that it was obligatory on the plaintiff to pay it.

Now, Mr. Chairman, I desire to make a brief reference to what is known as the income-tax decision. I want to read from the opinion rendered by Chief Justice Fuller on the rehearing of the case.

In Pollock *v.* Farmers' Loan and Trust Company, 158 U. S., on page 635, the court said:

We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business privileges or employments in view of the instances in which taxation on business privileges or employments has assumed the guise of an excise tax and been sustained as such.

Being of opinion that so much of the sections of this law as lay a tax on income from real and personal property are invalid, we are brought to the question of the effect of that conclusion upon these sections as a whole. * * * And again, on page 637 of the same: We do not mean to say that an act laying by apportionment a direct tax on all real estate and personal property or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations. But this is not such an act, and the scheme must be considered as a whole. Being invalid as to the greater part, and failing, as the tax would be, if any part were held valid in a direction, which could not have been contemplated except in connection with the taxation considered as an entirety, we are constrained to conclude that sections 27 to 37, inclusive, of the act, which became a law without the signature of the President on August 28, 1894, are wholly inoperative and void.

That tax was declared to be repugnant to the Constitution, for it mixed the income derived from real estate and personal property with the revenue from other sources, and therefore was violative of the provision that requires direct taxes to be apportioned according to population.

Mr. Chairman, before I forget it, I want to call attention to another thing that the Democratic party has done. I want to call the attention of the House to page 570, volume 28, of the United States Statutes at Large, section 73 and those that follow it, to show a wise provision of the much-abused Wilson-Gorman law that was there enacted against the trusts, and which you in your Dingley bill were careful not to repeal.

Now, the next time some gentleman with a parrot-like voice and parrot-like regularity asks what the Democrats did, point them to what they did in support of the so-called Sherman law. Point them to the prosecutions instituted under Mr. Cleveland. Point them to this provision of the Wilson-Gorman law. Point them to that provision of the Dingley law that preserved it.

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Maine?

Mr. CLAYTON. I do.

Mr. LITTLEFIELD. I simply wanted to ask this question: Why, in the opinion of the gentleman from Alabama, the provisions that he has been discussing, connected with the Wilson law, were not applied to combinations engaged in interstate commerce as well as foreign commerce? I do not know what reason there may have been, but I notice there was that omission.

Mr. CLAYTON. Well, I can not answer that question at this time. Perhaps you can.

Mr. LITTLEFIELD. I can not, and I never knew a man who could.

Mr. CLAYTON. If it was an omission that ought to have been

rectified, you ought to have rectified it in the Dingley bill and you ought to rectify it now. [Applause on the Democratic side.]

For many years, Mr. Chairman, the Democratic party has not had absolute control of both branches of Congress and the Presidency at the same time, except for a space of two years. For the last six years the Republican party has been intrenched in power in both branches of Congress and in the White House. What have you done except to suggest campaign expedients, and to criticise the minority? You have not done any business in the line of suppressing the trust evil. Do some business now, and we will help you. [Applause on the Democratic side.]

I have here a list, which I will print, of trusts that have been formed since 1899. I have a list of them where their combined capital aggregates upward of four billions of dollars. Are we not justified is saying that the Dingley tariff has fostered trusts, as Mr. Havemeyer said? Did you ever stop to think of one of the reasons given for laying the tariff duty so high in the Dingley bill? It was, they said, to carry out the idea of Republican reciprocity. Upon that idea Mr. Kasson was sent abroad to negotiate reciprocity treaties. He came back with his pockets full of reciprocity treaties; but the trusts said "We are growing rich and fat under the Dingley bill." What became of the Kasson reciprocity treaties? Like the Littlefield bill, like your constitutional amendment, they went where the whangdoodle mourneth. [Laughter.]

Now, Mr. Chairman, I would like to know how much time I have. These are just a few desultory remarks.

The CHAIRMAN. The gentleman from Alabama has fifteen minutes remaining.

Mr. CLAYTON. I wish I had ten hours.

Now, Mr. Chairman, this special tax. We invite you gentlemen to put in a provision taxing these corporations, and while the provision we have suggested seeks to levy a special tax upon all corporations having a capital stock of $200,000, except benevolent associations and the like, if you will accept that amendment we will take it with a limitation to corporations engaged in interstate commerce.

Every lawyer knows that it has been held in McCulloch against Maryland and ever since that the taxing power of the Federal Government is the power to destroy it, so ample is it. We know that it has been invoked to destroy State banks of issue. It was used to destroy the oleomargarine industry. The control of the Federal Government over the mail was so applied as to deny the use of the mails to lotteries. I say to you now, accept a tax provision limited to business corporations engaged in interstate and foreign commerce, and then instead of grounding this amendment for a special tax solely upon the taxing power we will place it on the two provisions, the commerce power of Congress and the taxing power as well.

You know that should you levy a special tax in accordance with this provision it would raise revenue; it would bring these trade conspirators under public surveillance; it would accomplish, if this amendment were adopted, all the publicity that you seek, and a better control than this bill contemplates. There is a provision in the proposed special tax proposition to levy a certain tax upon all business corporations having a capital stock of $200,000 or more, and then when the corporation proves to the satisfaction of the Commissioner of Internal Revenue that it is not engaged in violating the antitrust laws, then the tax is reduced to a minimum, but still enough to support the law under the taxing power of Congress.

Now, we do not intend that you gentlemen shall run away from the use of the taxing power of the Federal Government without the attention of the country being called to it. You may talk about a revision of the tariff unsettling business. I challenge you to drop the tariff discussion and take the special tax and apply it, and see if it does not bring about publicity, see if it does not bring about control, see if it does not prevent the violation of the statutes against monopolies and trade restraints.

Mr. Chairman, permit me, in this connection, to make brief reference to the difference between use and the abuse of the taxing power. It is not my intention, however, to impose upon the House any stilted thesis portraying the divergent views of the several schools of thought on taxation. Suffice it to say that it is now well settled that if a tax levied by Congress is grounded in any appropriate provision of the Constitution, the courts will uphold it, regardless of a possible ulterior motive of the lawmakers and without reference to a probable intentional incident whereby something, and one other than raising revenue, may be accomplished.

Some of us here hold to the theory that all taxation should be for public purposes, and that it is not a rightful use of the taxing power to tax one man for the benefit of another, or one business or industry for the purpose of building up another. Such an abuse is lacking in all the essentials of equality. Every man should be allowed to enjoy his own, subject to the tax tribute exacted for the maintenance of the Government economically administered. Further than this, every man in a civilized community under a government by law must be restrained by the injunction *sic utere tuo ut alienum non laedas.*

The Democratic theory has always been that the tax must be primarily and really for public purposes. This is at least the ethical application of the power. On the other hand, the theory of the Republican party has always been that taxation should be used whenever and wherever expedient to accomplish any end desired, unfettered by any real public purpose. The Republican party has imposed prohibitive tariff taxes, not for public revenue, but for the avowed purpose of fostering private interests. It has levied taxes upon legitimate occupations and industries in order to ruin them, and for the purpose of building up rival occupations and industries. Whenever you have levied any such tax, the taxing power has been abused.

The courts have declared that such abuse can not be restrained by the judicial hand of the Government. The minority of your Committee of the Judiciary are of opinion that a special tax on the watered stock of corporations can be justified because it will accomplish the public purpose of destroying the evil practice fraught with so much harm, and of which Attorney-General Knox has said:

> Overcapitalization is the chief of these and the source from which the minor ones flow. It is the possibility of overcapitalization that furnishes the temptations and opportunities for most of the others. Overcapitalization does not mean large capitalization or capitalization adequate for the greatest undertakings. It is the imposition upon an undertaking of a liability without a corresponding asset to represent it. Therefore overcapitalization is a fraud upon those who contribute the real capital, either originally or by purchase, and the efforts to realize dividends thereon from operations is a fraudulent imposition of a burden upon the public.
>
> When a property worth a million dollars upon all the sober tests of value is capitalized at five millions and sold to the public, it is rational to assume that its purchasers will exert every effort to keep its earnings up to the basis of their capitalization. When the inevitable depression comes, wages must be reduced, prices enhanced, or dividends foregone. As prices are naturally not increased, but lowered in dull periods, it usually resolves itself into a question of wages or dividends.
>
> While this condition may exist under any circumstances, it is exaggerated by overcapitalization in the illustrating case five to one. The overcapitalized securities enter into the general budget of the country, are bought and sold, rise and fall, and they fluctuate between wider ranges and are more sensitive in proportion as they are further removed from intrinsic values, and, in short, are liable to be storm centers of financial disturbances of far-reaching consequence. They also, in the same proportion, increase the temptation to mismanagement and manipulation by corporate administrators.

The minority also think that a special tax on the capital stock of purely business corporations of $200,000 and over, engaged in interstate commerce, if you please, will not only raise revenue, a public purpose, but will under the provision go far toward discovering and suppressing the trusts—another public benefit.

Now, Mr. Chairman, is such a tax expedient? If you concede the power of Congress to lay it, it is then a question of expediency; and if the Republican party is in earnest about suppressing the trust evil, I commend to them this expediency idea, for if there ever was a political party in any country that believed in the overshadowing doctrine of expediency in the settlement of all questions, that party is preeminently the Republican party. [Loud applause on the Democratic side.]

The constitutionality of it being conceded, is it expedient? I have the reports here of the Commissioner of Internal Revenue, showing since 1861 the taxes that have been raised by occupation and other special taxes. I shall print memoranda from the report. As a revenue measure it is expedient. It is expedient as furnishing a remedy, for when you have the right to levy a tax and you ground the support of the law on the taxing power of Congress, the people can derive all the incidental benefits from the enforcement of the law regardless of what particular constitutional grant it is founded on. Will any Republican dispute that?

What becomes of the original-package decisions? What becomes of the oleomargarine law, of the special-tax laws, of the law against State banks which had for its avowed object the driving out of business the State banks of issue? So, I say, that for revenue and according to precedents and for the good that may come of it, here is the power and here is a plan.

You may refine about the extent of the commerce power of Congress, you may say that the States have certain control over domestic manufactures, and that Congress has exclusive power over interstate commerce, but when you use the taxing power you rely on a broader power, unlimited, unfettered, except that no export tax can be levied, and qualified by the provisions that direct taxes must be apportioned according to population and that the taxation must be uniform.

Now, every lawyer knows that the uniformity here spoken of is geographical uniformity, and that a tax on capital stock is not a direct tax. Congress has power in its imperial will to select whatever objects it may see fit to tax within the constitutional limitations. It can single out one business and compel it to contribute to the support of the Government and it may exempt another from the tax. It may require the liquor dealer to pay a license tax, and of the oleomargarine dealer, of the banker, and of the broker an occupation tax may be exacted. All or any

other business may be exempted from taxation. Nobody can question the exercise of the power. So in repeated decisions it has been held that it is the geographical uniformity and uniformity in no otherwise.

Now, my Republican friends, if you are in earnest, use all the powers and agencies of the Federal Government to meet the present conditions. Do not create a lot of material here for another campaign, but formulate a measure and put it through the House, having as its real object the suppression of the trust evil.

Mr. WHEELER. Will the gentleman yield to me for a question?

Mr. CLAYTON. Certainly.

Mr. WHEELER. I would like to ask the gentleman whether or not he also admits or concurs in this proposition, that in the exercise of the taxing power the Government may select the object of taxation and levy taxes upon the amount invested and graduate the tax as to the amount that may be invested.

Mr. CLAYTON. Undoubtedly so. I think the cases I have read from sustain that proposition. I heartily agree with that, and I ask the gentleman from Kentucky, who is a good lawyer, if he does not agree to that proposition? I know he has studied it in connection with the proposition he presented when the Dingley bill was under consideration.

Mr. WHEELER. Yes; unquestionably.

Now, Mr. Chairman, campaign promises are often made to win elections. Political platforms, sometimes fierce in their denunciation, are made not infrequently to further the prospects of parties. If the Republican party is sincere in its determination to meet the public demands and suppress these evils, why longer minimize the subject? Why longer in your campaign books and by your campaign orators say that but a small number of the articles of commerce are produced or controlled by trusts? Why minimize the subject? You do not talk that way when the coal famine is on. You put through a bill suspending your tariff laws on coal. You do not talk that way when the people are hungry for meat; you prosecute the beef trust, or make an attempt at it.

Why deceive people in that way? Why not employ all the Federal power and agencies to meet these evils? Why mystify the subject? Why did you come here in the Fifty-sixth Congress and make learned arguments attempting to show that Congress was without power? Why do you try now to make confusing arguments against using the taxing power? Quit minimizing the evil, and quit mystifying the power of Congress. Come down to business and provide for the use of the taxing power, as well as the commerce power, as has been done in the tariff in the cases I have mentioned.

Quit qualifying your declarations by your chief orators when you denounce the trusts fiercely in one breath, and in another say they must be dealt with "kindly," or you will disturb something. These criminal concerns must be dealt with gently, kindly, if not havoc will occur. The trust magnate that hears that qualification, if he belonged to the feline family, would rub up against that Republican orator, arch his back, and purr like a pet kitten in response to the soothing stroke of a friendly hand. [Laughter on the Democratic side.]

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. CLAYTON. I have but a few minutes. I would like to do it.

The CHAIRMAN. The gentleman from Alabama declines to yield.

Mr. CLAYTON. If the gentleman wants simply to ask a question, I will yield.

Mr. OLMSTED. Only a question. I wish to ask why the Democratic party in 1888, having the Presidency, the House of Representatives, and the Senate, did not deal with the trust question. The report which I hold in my hand, made to the Democratic House by the Committee on the Judiciary, of which Mr. BACON of Georgia was chairman——

Mr. RICHARDSON of Tennessee. Mr. BACON of Georgia was never in the House.

Mr. GAINES of Tennessee. The gentleman from Pennsylvania means Mr. Bacon of New York. And the Republicans joined in that report.

Mr. CLAYTON. We did not have all that power then.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CLAYTON. Mr. Chairman, I ask five minutes additional.

The CHAIRMAN. Is there objection to extending the gentleman's time? The Chair hears none.

Mr. GAINES of Tennessee. Now, will the gentleman from Alabama, when he resumes, show why the Republicans in this House, in dealing with the trusts, do not invoke the postal power to control the transmission of the mail of the trusts in the States as well as between the States?

Mr. CLAYTON. Because they would hurt the trusts if they did. We broke up the lotteries by denying to them the use of the mails, and we might break up or cripple a whole lot of trusts by a similar exercise of power. But the reason it is not done is plain enough.

Mr. GAINES of Tennessee. They did propose that in the Fifty-sixth Congress, but they have quit doing so now.

Mr. CLAYTON. One thing I can say of the Republican party——

A MEMBER. They stick to their friends. [Laughter.]

Mr. CLAYTON. Yes, the gentleman is right; and I feel like quoting Scripture again in that connection.

Mr. Chairman, this great Republican party has been in power for six years, is it not? Yes, you have been in power, or the trusts have been. [Laughter.]

Mr. OLMSTED. We have no more power now than you had in 1888.

Mr. CLAYTON. You have full power. We did not have it. I confess that my knowledge of evolution and natural history is so limited that I can hardly distinguish the difference between the trusts and the Republican party. [Laughter.] You belong to them, and you know it. You "fry the fat" out of them in every campaign. But there may come a day when platform declarations and campaign promises will not purchase place and power. [Applause on the Democratic side.]

Mr. Chairman, there are some of us who dissent somewhat from the view of the President that trusts are the legitimate result of commercial evolution. We believe that the trusts, as they exist to-day, have come from either some Federal legislation or Federal privilege, permission, or toleration, in cases where Congress has ample power to enact remedial laws. But the trusts are here and we should legislate to control them.

You are backed up by the consolidated and organized greed of the country. The party to which I owe allegiance recognizes all legitimate occupations. It encourages the accumulation of wealth. It is proud of the progress of the country. But it is mindful of the great interests of the wage-earner, the taxpayer, and the small man—the man of moderate means and the consumer. This party believes in the fundamental doctrine of equal rights to all and special privileges to none. It believes we should give every man a fair showing in the race of life. Enforce the laws against trade conspirators and let the era of real happiness come in our industrial progress.

The eloquent gentleman [Mr. POWERS] who opened this debate has spoken entertainingly and regretfully of the growth of socialism. Ah, gentlemen, cease contenting yourselves with deploring that growth. Remember that every time a lamp is lighted in the cottage of the poor a tribute has been exacted and poured into the coffers of the Standard Oil monopoly. Do something. Throw away your artful excuses. Abandon subterfuges and fulfill some of your pretty promises. Avaricious commercialism ought not to continue more and more to control you.

The Government must be not in theory only, but in fact for the people. Constitutional authority you have. When will you cease trifling? We owe it to the country, to ourselves, to humanity, to make effective use of the power to regulate commerce and all other lawful power necessary. Why longer reject the suggestions of the Attorney-General and of your brethren on this side of the House? Let us see to it that justice is done between the very rich and the very poor, and to the great middle class. Most of us here belong to neither of the extremes, but are, I claim, and with becoming modesty I trust, of that great mass of self-reliant, independent people who toil with brain or hand, or with both, and who are at once the bulwark and hope of the perpetuity of American institutions. Let us not be controlled by the trust potentates, who, however commendable it may be, build monuments to their selfish selves in the form of libraries or great universities with corps of sycophantic professors, and who also vainly endeavor to bribe God Almighty by giving magnificent structures of stone called churches.

This is a government in some sort by the States, in another sort by Congress—by the Federal Government—and in its last analysis it is a government by political parties. Speed the day when the party big enough and brave enough will be chosen to enact and enforce legislation to restrain these conspiracies and combinations against the welfare of the people and a party that will, in the language of a great justice of the Supreme Court of the United States, prevent "the submergence of the liberties of the people in a sordid despotism of wealth." [Applause.]

APPENDIX A.

WHAT REPUBLICAN REPRESENTATIVES SAID IN THE FIFTY-SIXTH CONGRESS.

On June 1, 1900, Mr. HAMILTON, of Michigan, said:

This, then, appears to be the conclusion of the whole matter:

1. The States can not control because of lack of unanimity.

2. The Federal Government can not control by interference with matters which belong to State control under present law.

3. Therefore, inasmuch as trade constantly flows beyond State boundaries, there ought to be a Federal law for the control of industrial corporations, which can follow and regulate them always and everywhere.

To this end an amendment to the Federal Constitution is necessary.

On May 31, 1900, Mr. Ray of New York, chairman of the Committee on the Judiciary, said:

NECESSITY FOR THIS AMENDMENT.

As already stated, the necessity for this proposed amendment to the Constitution of the United States arises from the fact that the Supreme Court of the United States, a court to which we all bow with deference, and to which all must bow, has, with but one dissenting voice, held that manufacture and production are not a part of commerce.

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THEREFORE CONGRESS IS POWERLESS.

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NATIONAL POWER NECESSARY.

Congress being powerless and the States impotent, where shall we turn? There is but one answer, and that is: Let the people of the nation through their respective State legislatures confer upon Congress—representing all the people of all the States, all the interests of this grand and mighty Republic—plenary power to define, regulate, prohibit, or dissolve all industrial trusts, monopolies, or combinations, whether existing in the form of corporations or otherwise. Let each State retain all the powers it now possesses and aid or add to Congressional legislation in any way and to any extent not in conflict with national action. The monopolies and combines mentioned injuriously affect all the people of all the States, the industrial interprise and prosperity of nearly every section of every State, and therefore constitute a national evil. It is a matter of national and not of local or State concern alone, and therefore should be and must be dealt with by national power if dealt with effectively. This is the policy and genius of the Government of this Union.

* * * * * * *

THE EFFECTIVE REMEDY.

The only real effective remedy is to give Congress the power to control and, if necessary, repress and dissolve such illegal combinations and monopolies, in whatever form existing. The mails can not be denied them until adjudged illegal, and this will be evaded in many ways. Postmasters can not be made judge and jury and executioner in such cases. And who is to determine, and when, and how, as to what letters may be sent and what stopped? Must the letters of every citizen be opened and read by prying and garrulous postmasters in searching and watching for communications supposed to be sent by a monopoly or an illegal combination? We may harass and annoy under our present constitutional power, but remedy the evils we can not. May it not be that such a power had better not be exercised at all?

THE TRUE COURSE.

I assert that the Congress of the United States should have the power to maintain an open field for honest competition in all industrial enterprise and occupation throughout the entire Union; that in efforts to accomplish this we should not be compelled to act by indirection, or resort to methods of questionable expediency or to legislation of doubtful constitutionality. I assert that when corporations or associations of individuals so conduct their business as to become a menace to the welfare of the people generally throughout this Republic, or in the territory belonging thereto, the Congress of the United States, representing that people and answerable to them, should possess the constitutional power to control, repress, and dissolve the illegal and dangerous organization. [Applause.]

On June 2, 1902, Mr. ALEXANDER of New York, in speaking to the Republican resolution to amend the Constitution said:

Such an amendment is absolutely essential if Congress is to have power to regulate and control monopolies.

In the report on H. R. 10539, known as the Littlefield bill, in the Fifty-sixth Congress, the Republican majority of the Committee on the Judiciary said:

Your committee has carefully considered the various suggestions relative to taxation and the bearing of the tariff upon the question of trusts and monopolies and regard them as entirely without merit. We have also considered the various suggestions that have been made relative to publicity, and while it is perhaps probable that some advantages might result therefrom, we are of the opinion that the inconvenience and disturbance to legitimate industry and business would be very much in excess of any advantage that might reasonably be expected from such legislation, and therefore do not deem it wise to recommend any such legislation.

APPENDIX B.

THE GROWTH OF TRUSTS.

Moody's Manual of Corporation Securities, the accepted authority, gives this list of trusts organized since January 1, 1899, with capital not less than $10,000,000 each.

Trust.	Year organized.	Capital.
Allis Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	83,600,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,436,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,426,600
American Car and Foundry Co	1899	60,000,000
American Cigar Co	1901	10,000,000
American Grass Twine Co	1899	13,083,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	10,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Dynamo Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,235,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	900,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,796,100
American Writing Paper Co	1899	30,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000

APPENDIX B—Continued.

THE GROWTH OF TRUSTS—continued.

Trust.	Year organized.	Capital.
Central Foundry Co	1899	$18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,689,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,238,400
Electric Vehicle Co	1899	18,475,000
Fairmount Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	33,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	39,470,000
National Asphalt Co	1900	55,563,000
National Carbon Co	1899	10,000,000
National Enameling and Stamping Co	1899	23,838,400
National Fire Proofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	26,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Standard Milling Co	1900	17,250,000
Steamship Consolidated (Trans-Atlantic)	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box Board and Paper Co	1902	30,000,000
United Copper Co	1902	50,000,000
United Fruit Co	1899	15,389,500
United Shoe Machinery Co	1899	20,656,575
United States Cast-Iron Pipe and Foundry Co	1899	25,000,000
United States Cotton Duck Corporation	1901	13,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,000
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,389,356
Universal Tobacco Co	1901	10,000,000
Virginia Iron, Coal, and Coke Co	1899	18,970,000
Total		4,290,805,646

APPENDIX C.

THE STEEL TRUST BOTH A PRINCE AND A PAUPER.

[By Byron W. Holt.]

Unquestionably, our billion-dollar steel trust is the prince of industries. Not only is its capitalization ($1,400,000,000) higher than is that of any other single industry, but it controls, through ownership of stock and "community of interest," many other important iron and steel industries, such as the Bethlehem Steel Company, the Cambria Steel Company, the American Bicycle Company, and the American Can Company, which add about $100,000,000 to the capital controlled. Through its pooling and price-fixing agreements with competing concerns, manufacturing rails, structural steel, steel plates, steel sheets, steel billets, steel bars, wire rope, etc., perhaps $200,000,000 more capital is brought under control, making almost a $2,000,000,000 steel trust.

Disregarding its alliances and affiliations, the value of the trust's yearly product is about $400,000,000, its first year's profits over $111,000,000, and its yearly wage roll about $150,000,000. In many lines, such as wire, tin plates, and bridges, the trust is at present practically the only producer. According to the testimony of its president, it owns 80 per cent of the iron-ore mines of the Lake Superior region, nearly all of the Connellsville coking-coal mines, 1,000 miles of railroad, transports its ore on its own vessels, and produces about 70 per cent of our entire output of steel. Besides, it is by far the largest body of financial water in the world. The estimates on the amount of water vary from $500,000,000 to $1,100,000,000, it being difficult to distinguish between the water of the preferred and the fog of the common stock.

That this prince of industries is also the greatest pauper on earth is an "easy proposition." Surely, an industry that receives governmental aid to the extent of $70,000,000 or $80,000,000 a year has no equal as a pauper. This seems to be a fair estimate of the amount of tariff benefits which it is now obtaining from this country.

Tariff profits of United States Steel Corporation.

Product.	Production.	Duty rate (per cent).	Tariff profit.
Steel rails ..... tons	1,500,000	7.84	$12,000,000
Structural steel ..... do	350,000	11.20	4,000,000
Tin plate ..... boxes	7,000,000	1.50	7,000,000
Wire nails ..... kegs	8,000,000	.50	4,000,000
Barb wire ..... pounds	660,000,000	a $\frac{2}{3}$	2,600,000
Other wire ..... tons	900,000	a 1$\frac{1}{2}$	9,000,000
Tubular goods ..... do	500,000	8.96	4,000,000
Plates and sheets ..... do	1,000,000	+13.44	10,000,000
All other steel ..... do	2,000,000	+ a 1	20,000,000
Total			72,600,000

a Cents per pound.

That these estimates are conservative is evident from the fact that we were both importing and exporting many kinds of iron and steel goods last year, and that generally domestic prices were near the import point. The tariff, therefore, is responsible for about two-thirds of the first year's profits of our greatest trust. The tariff, then, burdens smaller industries with taxes amounting to over $70,000,000 a year, and turns the proceeds over to this giant monopoly. Not only this, but, because this trust's products are sold cheaper to foreigners, this tariff tax puts all our steel-consuming industries at a disadvantage with foreigner competitors. Hundreds of small industries, handicapped in this way, are having the life crushed out of them by this tariff juggernaut.

APPENDIX D.

The mother of all trusts is the customs tariff bill. * * * It is the Government, through its tariff laws, which plunders the people, and the trusts are merely the machinery for doing it.—Henry O. Havemeyer, president of the sugar trust, June 14, 1899.

By the aid of the tariff, manufacturers can fix exorbitant prices in the domestic market.

Shall we continue a tariff on articles that are, in fact, articles of export?

The question this Congress will be called upon to answer is, Will it permit a tariff duty to remain in force to enable a trust to pay dividends on watered stock?—Joseph W. Babcock, member of Congress, chairman National Republican Congressional Committee.

That the great industrial trusts are selling vast quantities of American products abroad at prices far less than those at home, which they exact from their own countrymen, is common knowledge; but it is difficult to obtain the exact figures of foreign sales in such cases, because the manufacturers are unwilling to acknowledge any advantage in prices to foreigners, lest it injure their sales at home, and by the system of discounts on regular prices so universally practiced, it is easy to conceal the facts. It was only by advertising in the New York World a reward of $100 that the Democratic Congressional Committee succeeded in obtaining some of the export price and discount lists, from which and from other reliable evidence the following statement is made up. It is believed to be entirely trustworthy.

Tariff-trust prices at home and abroad.

Article and description.	Export price.	Home price.	Per cent of difference.
Acetylene gas generator:			
Colt, 10-light ..... each	$40.00	$55.00	37
Ammunition caps:			
BB round ..... per 1,000	1.03	1.49	43
Central fire, 32 long, Colt's ..... do	6.48	9.00	40
Rim fire, 22 long ..... do	2.16	3.00	39
Primed shells, 21 short ..... do	.72	1.53	112
Borax:			
City refined ..... per pound	.02½	.07½	210
Carbide:			
Lump ..... per ton	55.00	70.00	27
Chucks:			
Skinner's standard drill, No. 100	3.09	4.90	58
Skinner's ind. lathe, F, 12-inch ..... each	15.88	24.00	51
Union Manufacturing Co., ind., No. 18, 10-inch ..... each	10.20	16.60	63
Union Manufacturing Co., face plate jaws, No. 48, 8-inch ..... 4 set	23.52	39.00	66
Harness snaps, Covert's:			
"Trojan" loop, 1¼-inch ..... per gross	2.40	3.23	35
"Derby" loop, 1-inch	1.68	2.24	33
"Yankee" roller, 1¼-inch XC breast strap	1.00	1.37	37
Lead, pig ..... per 100 pounds	2.00 to 2.50	3.97½	58-98
Meat choppers:			
Enterprise, No. 5 ..... each	.75	1.04	39
Enterprise, No. 10 ..... do	1.14	1.56	37
Enterprise, No. 22 ..... do	1.51	2.08	38
Enterprise, No. 32 ..... do	2.25	3.12	38
Nails, wire, base price ... per 100 pounds	1.30	2.05	58
Piano, Bradbury ..... each	300.00	375.00	25
Playing cards, Bicycle ..... per gross	12.35	25.65	108
Powder:			
Duck, in canister, pound .. per pound	.37½	.45	20
Duck, in 25-pound kegs ..... do	.24⅝	.32	30
Indian rifle, in 25-pound kegs, FFFg, etc ..... per pound	.11⅛	.16	37
Smokeless, in 25-pound kegs ..... do	.37½	.48	27
Rakes, malleable iron shanks:			
10-inch ..... per dozen	1.18	1.50	27
12-inch ..... do	1.28	1.60	25
14-inch ..... do	1.39	1.75	26
16-inch ..... do	1.50	1.85	23
Sad irons, BB, in cases ..... per pound	.02¼ to .03½	.03½ to .04	25
Saws, Disston & Sons:			
Band—			
2½-inch, gauge 18 ..... per foot	.21	.34	62
10-inch, gauge 18 ..... do	1.25	1.54	23
Hand—			
No. 12, 24-inch ..... per dozen	14.82	18.04	22
No. 16, 24-inch ..... do	11.97	14.57	22
No. 107, 24-inch ..... do	10.83	12.30	13
Sewing machines:			
Domestic, No. 1 ..... each	13.25	20.00	59
Domestic, No. 4 or 9 ..... do	17.48	25.00	43
Shovels:			
Barter, socket strap ..... per dozen	5.83- 6.52	7.50- 8.41	29
Rowland, plain back ..... do	5.12- 5.83	6.75- 7.00	29
Tin plates, Bessemer ..... per 100 pounds	3.19	4.19	31
Typewriters, Remington, and others, each	55.00-65.00	100.00	54-82
Wire, barb:			
Galvanized ..... per 100 pounds	2.25	2.90	29
Painted or varnished ..... do	1.86	2.60	40
Wire, plain, fencing ..... do	1.37½	2.00	45
Wire, plain, galvanized:			
Gauge 4 to 9 ..... do	1.54	2.70	75
Gauge 10 to 11 ..... do	1.62	2.97	83
Gauge 12 ..... do	1.76	3.10	76
Gauge 13 to 14 ..... do	1.81	3.37	85
Gauge 15 to 16 ..... do	2.08	3.78	81

Tariff-trust prices at home and abroad—Continued.

Article and description.	Export price.	Home price.	Per cent of difference.
Wire, plain, galvanized—Continued.			
Gauge 17 ..... per 100 pounds	$2.46	$4.05	65
Gauge 18 ..... do	2.63	4.32	64
Wire rope:			
Galvanized, 2½ inches circumference, per 100 feet	3.12	9.70	211
1 inch circumference ..... per 100 feet	.72	2.60	261

The progress of work on shipbuilding in the United States has largely been retarded because makers of steel material required a higher price from the American consumers than they did from the foreign consumers for substantially the same products.—*United States Bureau of Statistics, Commerce, and Finance, August, 1900.*

Borax, 7¼ cents in America, 2½ in England; duty, 5 cents.

The present price of American borax in England is obtained from Mr. Ernest L. Fleming, an importing manufacturer and exporter of borax, soda, etc., of Weaverham, Cheshire, England. Mr. Fleming was accused of attempting to defraud the Government by importing borax (duty, 5 cents per pound) as "washing crystal" (duty, 25 per cent, or about one-fourth cent per pound). He came to this country to test the matter, and in July, 1902, was arrested, tried, and exonerated of the charge. He was greatly astonished to see the close connection here between the Government and the trusts. He writes, August 15, 1902:

"The present price of borax (refined) in England is 2½ cents a pound. In America it is 7¼ cents per pound—just the difference of the tariff, 5 cents per pound. Hundreds of carloads in the United States are used every week, no less than 66 different trades being dependent, more or less, on this one article. The trust makes $1,250,000 profit per annum out of the people of the United States."

Mr. Schwab said: "It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line."

Q. "Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?"

A. "That is true, perfectly true." (Charles M. Schwab, president Steel Trust, testimony before Industrial Commission.)

Steel rails for export.

The New York World of April 9, 1901, contained the following:

Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading Steel Trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35 plus freight here sold the rails at $24 a ton delivered in England to the English subcontractor. * * *

APPENDIX E.

THE FARMERS AND THE MANUFACTURERS.

[By Henry Loomis Nelson.]

Comparing the statistics of the census year 1870 and 1900, we find that the number of farms had a little more than doubled; that the average farm value had slightly increased, and that the value of the farm products had a little less than doubled. But when we come to the manufacturing interests, those which are largely benefited by the tariff taxes imposed on the farmers, the merchants, the professional classes, and the wage-earners in other pursuits, we find an astounding tale of gain and profit. Those who are occupied in manufacturing (employers and employed) constitute a little more 24 per cent of the population engaged in gainful pursuits.

In 1860 there were in the United States 140,433 manufacturing establishments, and in 1900 there were 512,734 such establishments. In the meantime the number of employees had increased from 1,311,246 to 5,719,137, and their wages and salaries from $378,878,966, or $289 per capita, to $2,735,431,000, or $478 per capita. While there was this generous advance in wages and salaries, there was an increase in the value of the product of the manufacturing establishments of nearly 600 per cent.

The manufacturers will say that this prosperity is due to the protective tariff, and, while this is not wholly true, we may admit it for the moment; for we want especially to inquire what these favored 24 per cent of our people have done in return for the generosity of the 76 per cent who have taxed themselves that the manufacturers might prosper, and who have paid to the Government in order to furnish this protection more than $700,000,000, which the Government has squandered in war, besides other sums.

In 1897 we were paying from $10.25 to $11 for Bessemer pig; to-day we are paying from $21.75 to $22.50. In 1897 we paid $15.50 for steel billets; to-day we pay $34 to $35. Steel rails were down to $18 in 1897; to $17.50 in 1898; they were up to $35 in 1900, and have been fixed at $28 since early in 1901.

We are not receiving any of the benefits of this protection-fostered prosperity. We are paying more for our tin plates used in canning, roofing, and for various domestic purposes, although by our self-taxation we have helped the manufacturer to a prosperity which is measured by our annual production of nearly 900,000,000 pounds of this useful article.

The total expenditure for food, clothing, meats, and miscellaneous per capita increased from $75.50 in 1897 to $102 in 1901. In 1902 we find government more expensive to each one of us than it has been since the civil war; that living costs us more than it did five years ago, and that the protected manufacturers alone have abounded in prosperity—a prosperity which they have not shared with their fellow-citizens.

APPENDIX F.

Hanna points to what he terms the present prosperous condition of labor as the result of trade combinations. Why, the proposition is absurd! Trusts are not formed for the purpose of helping the laborers, but for the purpose of getting larger profits out of investments.—*Ex-Senator Washburn, of Minnesota.*

PRICES AND WAGES.

[By Byron W. Holt.]

Reign of protected trusts brings high prices and low wages.

The census bulletins on manufactures have been published for 33 States and Territories. They include all of the New England and Southern States

except Massachusetts, Virginia, and Kentucky, and all of the States west of the Mississippi River except Texas, California, Washington, and Minnesota. New Jersey and Delaware are also included.

According to the statistics of these 33 States, 1,004,590 wage-earners received an average of $418.48 each per year, or $1.39 per day, in 1890; and 1,463,365 wage-earners in these same States received an average of $387.53 each per year, or $1.29 per day, in 1900. The day wages of the average earner, in manufacturing industries in these States, then declined from $1.39 to $1.29, or 6 per cent, from 1890 to 1900. Dun's Review, of January 4, 1902, contains tables based upon quotations for 350 articles, with due allowance for the relative importance of each, showing that the cost of living is now greater in this country than ever before. The following are some of Dun's "index" figures:

	January 1, 1890.	July 1, 1897 (low).	January 1, 1900.	January 1, 1902.
Breadstuffs	$13,765	$10,587	$13,254	$20,002
Meats	7,620	7,529	7,258	9,670
Dairy and garden	12,675	8,714	13,702	15,248
Other food	9,935	7,887	9,200	8,952
Clothing	14,845	13,808	17,484	15,547
Metals	16,240	11,642	18,085	15,375
Miscellaneous	15,111	12,288	16,312	16,793
	90,191	72,455	95,295	101,587

The totals show that the cost of living was 6 per cent greater in 1900 than in 1890, 31 per cent greater in 1900 than in 1897, and 40 per cent greater in 1902 than in 1897.

If, as most trust promoters and defenders proclaim, trusts cheapen production and lower prices, the cost of living should be lower now instead of higher than ever before. It is rather unfortunate for the trusts and their friends that the great rise in prices should correspond exactly with the great growth of trusts. Nearly half of these trusts were formed during 1899, the year of the greatest advance in prices. The index number for prices which stood at 80,423 on January 1, 1899, rose to 95,295 on January 1, 1900. More trusts (including the greatest of all) have been formed since June, 1899; and prices have still further advanced.

These facts should silence forever the claims that trusts justify their existence by the lower prices which they give us. Trusts may, and probably do, lower the cost of production; but this is a very different thing from lower prices to consumers. It is undoubtedly true that these trusts are selling their products to foreigners at unusually low prices. They are, however, protected in our markets by tariff duties averaging, on manufactured goods, including prohibition duties, about 75 per cent. Often they charge us 50 to 100 per cent more than they charge foreigners for the same goods.

APPENDIX G.

DATA IN RE TOTAL NUMBER OF BUSINESS CORPORATIONS IN THE UNITED STATES.

Careful examination of Moody's Manual of Corporation Securities shows that the total number of corporations in the United States with a capitalization of $200,000 or over is 5,379.

The vast majority of these corporations have a capitalization far up into the millions.

This count has left out of consideration all corporations classed under the heads of charity, religious, benevolent, hospital, medical, surgical, hygienic, educational, for promotion of the useful arts, scientific, literary, musical, and public entertainment.

It appears that 1,411 of these industrial corporations have been amalgamated or merged into larger corporations, such as are popularly denominated "trusts."

Investigation of the reports of the State of New Jersey alone shows that for the year 1901, on industrial corporations alone, exclusive of railways, canals, etc., chartered or doing business within that State, a tax was levied and collected on the aggregate of $4,955,934,803.80 of capital stock.

In Massachusetts a tax was levied and collected on the capital of the industrial group of corporations alone aggregating $316,782,833 for the year 1901.

These States serve as illustrations. The other States do not publish similar reports.

West Virginia, which does a large business in chartering corporations, levies a "per capita" tax on the number of corporations, making each one pay a license per annum of, say, $50 or $100, with reference to the capitalization of each.

APPENDIX H.

The report of the Commissioner of Internal Revenue for 1901, page 4, gives a schedule of articles and occupation subject to special tax under the internal-revenue laws in force after July 1, 1901. On page 7 of the same report the tax on legacies and distributive shares of personal property is stated.

Table E, beginning on page 376 of the same report, shows receipts from specific and general sources of internal revenue, including special and occupation taxes for fiscal years from 1863 to 1865, ending June 30.

Especial attention is called to page 390, showing the special taxes collected from bankers, brokers, and others, and from legacies. On page 392 there is a recapitulation of receipts from general and special sources, including occupation taxes under the internal revenue, the amounts collected under existing laws, and the amount collected under laws which have since been repealed.

Beginning on page 70 of the same report the decisions of the United States Supreme Court and other courts are given, upholding the stamp tax on transactions denominated as "calls," stamp taxes on memorandum of stock transactions, legacy taxes, tax on the business of sugar refining, stamp tax on plasters, stamp tax on fermented liquors, special stamp tax on wholesale liquor dealers, 10 per cent tax on bank note circulation, stamp tax on dramshop bonds given by saloon keepers under State laws, etc.

Mr. LITTLEFIELD. I yield thirty minutes to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Chairman, I had hoped that this discussion might proceed on nonpartisan lines. This bill certainly presents a nonpartisan question. The trust question, as it is now before the House, is a question that interests the entire people of this country. Nearly all parties agree that we need some legislation to curb the great and growing influence of the trusts. This being true, I had hoped that we might proceed with this discussion on such lines as would avoid personalities and partisanship. But in that we have been disappointed.

So far as this discussion has proceeded on this side of the House, I am pleased to know that my associates have confined themselves to a consideration of the questions presented by this bill in a respectful and nonpartisan manner. But I can not say so much for our friends on the other side.

For several days we have heard discussions from the other side of the House on the subject of trusts and trust legislation; and these consisted very largely in denunciations of the Republican party and the course that party has pursued in dealing with the subject.

The Republican party has been arraigned in these discussions in the severest terms. In fact, Mr. Chairman, the gentleman from Alabama, who has just preceded me, has, in one particular, without intending it, I venture to say, given to the Republican party a compliment when he declared in a loud and sonorous strain that it is a party of evolution; and he then went so far even as to say that it has passed the monkey stage.

I wish I were able to say as much for the Democracy. [Laughter.] It has not advanced that far; it is still dancing to the music of the hand organ and holding out its plate with faint hopes that the people will forget its career of incompetency and drop in a pittance to sooth its troubled mind. [Applause and laughter on the Republican side.] True, the Republican party is the party of evolution. Ever since it has been organized it has been going forward, taking up questions of importance as they have arisen, and has dealt with them in the interests and for the welfare of the American people. In this regard I say it is the party of evolution.

Mr. Chairman, I realize the fact that difficulties necessarily arise in the enactment of legislation of the kind proposed by this bill. There are necessarily differences of opinion, and in order to have any legislation upon a subject of this nature, to a certain extent, there must be compromises and yieldings of individual opinions. We can not expect to have incorporated in any bill of this nature measures which will met our entire individual views.

I am free to say that I do not agree with all of the provisions of the bill now under consideration, and I apprehend that that is true of each member of the committee who reported this bill; but in order to arrive at some legislation it was necessary that each of us should yield some of our individual opinions in order to reach some conclusion and present a bill as effectual as possible for the consideration of this House. The gentleman who has preceded me [Mr. CLAYTON], and also other gentlemen from the Democratic side of the House, have charged the Republican party with insincerity and bad faith in dealing with the trust question. They have charged the Republican party with being derelict in duty in its failure to enact adequate legislation prior to this time for the purpose of controlling the operation of the trusts that are growing up in this country.

Mr. THAYER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. THOMAS of Iowa. Yes.

Mr. THAYER. If that accusation is not substantially true, what answer has the gentleman to make to the bill which we passed here in the Fifty-sixth Congress, and the constitutional amendment which we passed here, but which failed to pass the other House, which was overwhelmingly Republican?

Mr. LITTLEFIELD. Mr. Chairman, one moment. What is the gentleman's suggestion about the constitutional amendment?

Mr. THAYER. I spoke loud enough so that both of the gentlemen could hear, if they paid attention.

Mr. LITTLEFIELD. I know, but I understood the gentleman to say that the constitutional amendment passed this House. Is that the gentleman's recollection of it?

Mr. THAYER. Yes.

Mr. LITTLEFIELD. On the contrary it did not pass this House, because the Democrats, all except the gentleman and two or three others, voted against it, and therefore it did not get anywhere.

Mr. THAYER. Well, how about the bill?

Mr. LITTLEFIELD. Oh, yes.

Mr. THOMAS of Iowa. Mr. Chairman, I did not yield for a discussion of this kind. I only yielded to the gentleman from Massachusetts for a question.

The question of the gentleman from Massachusetts, I apprehend, needs no further answer. When interrupted I was about to state that denunciations were made of the Republican party because of its alleged failure to enact proper legislation for the regulation of trusts. What has the Democracy ever done on this subject to entitle it to the rôle of censor of the Republican party? What has the Democracy ever proposed? The Democratic party was at one time in power while these trusts were growing up, and in view of the loud declamations that the Democrats have made on the floor of this House in extolling their own virtue and in denouncing the action of the Republican party, I do not believe it is out of place here to refer briefly to a short record of the Democratic party upon this question. I think it is proper now and here to answer in this way some of the assertions and

charges made by the opposition against the Republican party, to show their own record and to show their insincerity in what they are urging at this time.

Mr. THAYER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. THOMAS of Iowa. For a question, yes.

Mr. THAYER. Is not the gentleman satisfied in his own mind that if this bill passes this House, as presented by the committee, it never will become a law, because it will not be passed by the Senate?

Mr. THOMAS of Iowa. I am not so informed.

Mr. THAYER. Has not Mr. HANNA substantially said that, when he stated that the only legislation to be had would be the attachment which he had put onto the commerce and labor bill; that that was the only legislation to be passed?

Mr. THOMAS of Iowa. I am not advised that he has so stated. I do not think that he has so stated.

Mr. THAYER. It is so reported.

Mr. THOMAS of Iowa. It may have been reported, but I am constrained to believe that the whole report comes from a Democratic source and is therefore necessarily unreliable. [Applause and laughter on the Republican side.] I started out here by saying that I proposed to show the Democratic record upon this question. In 1888 the Democrats had control of the House. They had a Democratic President. In that Congress they proposed to take up this question of the trusts. They went right into the "trust-busting" business and proposed to effect a remedy for what they themselves declared to be a great and growing evil.

Mr. Bacon, the chairman of the Committee on Manufactures, a Democrat, asked that that committee be authorized to investigate the trust question and to report to the House such measures as the committee might deem necessary and practicable, to carry out the purposes of the resolution.

In the time allotted to me in this discussion I will not attempt to read this resolution, but will here insert it in my remarks, to be printed in the RECORD:

Mr. Bacon, from the Committee on Manufactures, submitted the following, which was agreed to:

"Whereas it is alleged that certain individuals and corporations in the United States engaged in manufacturing, producing, mining, or dealing in some of the necessaries of life and other productions, have combined for the purpose of controlling or curtailing the production or supply of the same, and thereby increasing their price to the people of the country, which combinations are known as associations, trusts, pools, and like names; and

"Whereas such combinations not only injuriously affect commerce between the States, but impair the revenues of the United States as derived from its duties on imports: Therefore,

"*Resolved*, That the Committee on Manufactures be, and the same is hereby, directed to inquire into the names and number and extent of such alleged combinations under whatever name known, their methods of combination or doing business, their effect upon the prices of any of the necessaries of life and of all productions to the people of the country, upon its internal or foreign commerce, and its revenue from import duties, together with any and all other matters relating to the same which may call for or suggest legislation by Congress, and report the same to the House with such recommendations as the said committee may agree upon.

"And for these purposes the Committee on Manufactures is authorized to sit during the sessions of the House, to employ a stenographer, to administer oaths, examine witnesses, compel the attendance of persons and the production of papers. And the expense of such investigation shall be paid out of the contingent fund of the House."

That resolution was passed on the 25th day of January, 1888. That committee was invested with all the authority to investigate the trusts and recommend to the House proper legislation that could be conferred by the House of Representatives. In March following they commenced their investigation. They commenced it in earnest. They commenced investigating the two greatest trusts in the United States—the sugar trust and the Standard Oil trust. They took about 1,000 pages of testimony, as here set out in the reports I have before me, in investigating these two trusts, and they came to the conclusion that they were very bad trusts indeed, and we will agree with them in that.

Mr. ROBB. I should like to ask the gentleman if it is not a fact that the trust question was not considered of the importance in 1888, either in the States or in the Nation, that it is now and has been since that time, and further, if it is not a fact that the very first State that passed any State legislation in the form of antitrust laws was in 1889?

Mr. LITTLEFIELD. After they had been advised to do so by the Republican national platform, do you mean?

Mr. THOMAS of Iowa. I will answer the gentleman's question by reading briefly from the report of that committee, which I have right here.

The Committee on Manufactures respectfully report—

And I will say that this report was made in July, 1888—

that, acting under the authority and direction of a resolution of the House passed on the 25th day of January, 1888, they have proceeded to investigate and inquire into the matters and things referred to in said resolution. and having examined witnesses and papers in relation thereto, they have been unable to complete such inquiry and investigation, and respectfully report the following resolution, with the recommendation that it do pass.

* * * * * * *

Your committee further report that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large, and that your committee in calling witnesses and taking testimony have proceeded upon the following plan of investigation:

Then they proceeded to state the plan of investigation, and after stating the form of the combinations they further said:

This form of combination was obviously devised for the purpose of relieving the trusts and trustees from the charge of a breach of the conspiracy laws of various States, or of being a combination to regulate or control the price or production of any commodity. Hence they assert that the corporations themselves which control and regulate the price of commodities remain with their organization intact and distinct, and not in combination with each other.

I will not read the entire report, but for the information of the House I will here insert the entire report that it may be printed in the RECORD:

[House Report No. 3112, Fiftieth Congress, first session.]

The Committee of Manufacturers respectfully report that, acting under the authority and direction of a resolution of this House passed on the 25th day of January, 1888, they have proceeded to investigate and inquire into the matter and things referred to in said resolution, and having examined the witnesses and papers in relation thereto they have been unable to complete such inquiry and investigation, and respectfully report the following resolution, with the recommendation that it be passed:

(Your committee further reports that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large, and that your committee in calling witnesses and taking testimony proceeded upon the following plan of investigation, i. e., to inquire)—

(1) With relation to trusts or combinations in lines of business which are connected with or use articles in which there exist a competition in our markets between the domestic product and the foreign product imported and dutiable under our tariff laws.

(2) With relation to such combinations dealing in articles which are not imported into this country or are not subject to import duties.

(3) With relation to such combinations dealing in articles which are subject to taxation under the internal-revenue laws of the United States.

Your committee has particularly directed its inquiry into the methods of and the extent of the business done or controlled by the sugar trust and the Standard Oil trust, and respectfully submits herewith the testimony taken before it in relation to these two trusts.

In submitting this testimony your committee desired to call the attention of the House to the form of organization of these two trusts. Both of them are organized upon substantially the same plan. From the testimony it appears that there exists a certain number of corporations organized under the laws of the different States and subject to their control; that these corporations have issued their stock to various individuals, and that these individual stockholders have surrendered their stock to the trustees named in the agreement creating these trusts and accepted in lieu thereof certificates issued by the trustees named therein. The agreements provide that the various corporations whose stock is surrendered to the trustees shall preserve their identity and carry on their business. In the sugar-trust agreement the provision is that the several corporations shall maintain their separate organizations and each shall carry on and conduct its own business.

In the Standard Oil trust agreement it is provided that all property, real and personal, assets, and business shall be transferred to and vested in the said several companies. The duties of the trustees are restricted to the receipt of the dividends declared by the various corporations and the distribution of the aggregate of them to the holders of the trust certificates, pro rata, and to holding and voting upon the stock of the corporation. The trustees in both cases, upon the stand as witnesses, specifically denied that the trustees, as such, ever do any other business than to receive and distribute these dividends and exercise the only other function given to them by the trust agreements, that is, to hold the stock of the various corporations and exercise the right of stockholders in such corporation.

The care with which the trustees avoid making any agreement relating to commodities appears from the testimony as to the arrangement made with the Oil Producers' Association in the fall of 1887. The officers of the Producers' Association testified that an arrangement was then made with the Standard Oil trust by which 5,000,000 barrels of oil belonging to the Standard Oil trust were set apart for the benefit of the association, upon its agreeing to curtail the production of crude oil at least 17,000 barrels per diem. These witnesses undoubtedly understand that their arrangement was with the trustees of the Standard Oil trust. But the written agreement produced, and now in evidence, shows that it was made with and is signed by the Standard Oil Company of New York, one of the companies whose stock is held by the trustees, and that the Standard Oil trust or the trustees thereof, as such, are not parties to it, nor is either of them responsible for the carrying out of that agreement.

This form of combination was obviously devised for the purpose of relieving the trusts and trustees from the charge of any breach of the conspiracy laws of the various States, or of being a combination to regulate or control the price or production of any commodity; hence they assert that the corporations themselves, which control and regulate the price of commodities and the extent of production and have tangible property, remain with their organization intact and distinct, and not in combination with each other; that the stockholders, who owned only the stock, and by well-settled legal rules had no legal title in the property of the corporations, entered into the agreement and sold their stock in the corporation and accepted in payment trust certificates, and that the trustees receive and hold only the stock of corporations, and have no legal title to any of the property of the corporation, and neither buy nor sell anything nor combine with anyone to fix prices or regulate production of any commodity.

Your committee has deemed it proper to call attention to this feature of these combinations because it is believed that it will be found that all trade combinations having similar aims either have adopted this method or speedily will do so, and also, because the legislation which has been proposed to this House and referred to your committee has been directed against combinations to fix the price or regulate the production of articles of merchandise or commerce. It is plain that the two combinations, the testimony concerning which is herewith submitted, have been intentionally formed so as to avoid, if possible, the charge that the trust, as such, or the trustees, in that capacity, either fixed the price or regulated the production of any article of merchandise or commerce.

Complaint having been made to him by citizens of the State of New York against the sugar trust and one of the corporations whose stock it holds, the attorney-general of the State has, after hearing, directed prosecutions to be commenced against that trust and the corporation complained of, upon grounds which are set forth in an elaborate opinion, which is submitted as

part of the evidence in relation to that trust, and as containing a careful statement of the law of that State so far as it affords any remedy against such trusts.

Mr. OLMSTED. Will the gentleman permit me? That was an interlocutory report. I will ask him if he will read, or permit me to read, the final report?

Mr. THOMAS of Iowa. I intend to refer to the final report. After making this report—and remember that it was made just before the adjournment of the first session of that Congress—the committee was then continued by resolution of the House and directed to continue their investigation, and they continued to investigate and investigate the trusts, until they had investigated two other trusts, namely, the whisky trust and the cotton-bagging trust.

Mr. LITTLEFIELD. Local trusts, like.

Mr. THOMAS of Iowa. And in their report they state that they find that nearly all other trusts in this country are organized on the same lines as the Standard Oil trust and the sugar trust. Continuing this investigation up to the 3d day of March, 1889, just before the death of that Congress, and just before the Democrats went out of power, they made their final report, and I will read it.

Your committee respectfully submit herewith the testimony taken before them in relation to the whisky trust and the combination affecting the article of cotton bagging. Your committee believe that the testimony heretofore submitted to the House, and that which accompanies this report, discloses the nature, form, and causes of trusts and combinations, and that all others in existence are formed in substantially the same way as those referred to in such testimony. They respectfully report that the number of combinations and trusts formed or forming in this country is, as your committee has ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country. They do not report any list of these combinations, for the reason that new ones are constantly forming and that old ones are constantly extending their relations.

Mr. LITTLEFIELD. That was in 1888?

Mr. THOMAS of Iowa. That was in 1889—on the 3d day of March.

Mr. THAYER. 1788 or 1888?

Mr. THOMAS of Iowa. 1889.

Mr. THAYER. I thought it was in 1788.

Mr. THOMAS of Iowa. Well, the history of the Democratic party remains the same from year to year, so that it is entirely immaterial, I submit, whether it was 1788 or 1888. [Applause on the Republican side.] Its history is so ancient that a discrepancy of dates of a hundred years is of but little moment.

Mr. THAYER. Can not you get down to less than fifteen or twenty years ago and find something that the Democrats have done or failed to do?

Mr. THOMAS of Iowa. They have not done anything in modern times except to make a few blots and blurs on our bright pages of history.

Mr. THAYER. They have not had the ability to do anything. They have not been in power anywhere.

Mr. MANN. We will admit they have not had the ability.

Mr. THOMAS of Iowa. We will get into modern history presently, if the gentleman will just hold himself for a few moments.

Mr. LITTLEFIELD. If he will keep on the ground, like.

Mr. THOMAS of Iowa. It will be necessary for me to repeat a little—in order to get the context—reading from this report:

They respectfully report that the number of combinations formed and forming in this country is, as your committee has ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country.

They do not report any list of these combinations, for the reason that new ones are constantly forming and that old ones are constantly extending their relations so as to cover new branches of business and invade new territories.

That is, I believe, a sufficient answer to the gentleman from Missouri [Mr. ROBB].

Mr. ROBB. Will the gentleman allow me to ask him another question?

Mr. THOMAS of Iowa. Now, here is the culmination of the whole report.

Mr. GILBERT. What did the succeeding Republican Congress do along the same line?

Mr. THAYER. Nothing.

Mr. THOMAS of Iowa. Just wait until I get to that and I shall answer the gentleman to his complete satisfaction. Here I will read the culmination of the whole thing. Here is the conclusion of that committee that had been appointed by a Democratic House for the purpose of investigating the trust question and reporting some suitable and practical measure to the House for its action. It was approaching the end of that Congress. The Democracy was about to pass out of power and the Republicans were coming into power. A Republican Congress and a Republican President had already been elected. Here is what the committee says in its final statement and in ending its year's work, as a last expiring message to the American people:

Your committee further reports that, owing to the present differences of opinion between the members of the committee they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown by the testimony taken before the committee.

Mr. LITTLEFIELD. They fainted away, and turned it over to the Republicans.

Mr. THOMAS of Iowa. They acknowledged their incompetency to deal with the question, and as they were going out of power they handed their books over to the Republicans, who were now coming into power, and saying "There is the evidence showing up these trusts; we can not deal with it; now take it up and enact such legislation, not as we recommend, as we are unable to recommend anything, but such legislation as you may find applicable to the case." That was the recommendation of the Democratic committee to a Democratic House just as it was going out of power.

Mr. ROBB. Now, if the gentleman will allow me——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. THOMAS of Iowa. Yes, sir.

Mr. ROBB. If the trusts were oppressing the people in 1888, or had the power to oppress them in 1888, as they have now and have had since that time, how do you account for the fact that no State in the Union had deemed it necessary to pass any State law against trusts? How do you account for the fact that the laws enacted by the State legislatures for the purpose of suppressing trusts have been enacted since 1889?

Mr. THOMAS of Iowa. I want to say to the gentleman from Missouri that the Republican platform of 1888 declared against trusts, and recommended to Congress and to the several State legislatures the enactment of adequate legislation for the complete control of trusts.

Mr. THAYER. You have had twenty-five years to carry out that platform and never did it.

Mr. THOMAS of Iowa. Wait until I answer the gentleman from Missouri. In pursuance of that, half of the States in the Union took up the question and enacted legislation more or less drastic in favor of controlling the trusts.

Mr. GILBERT. Was that the same platform in which the Republican party denounced the Democrats in this House for the demonetization of silver?

Mr. THOMAS of Iowa. Well, I do not propose, Mr. Chairman, to be led away from the line of discussion, but I may come to that.

Mr. GILBERT. Was not that in the same platform?

Mr. THOMAS of Iowa. I will come to the facts about that in a moment if the gentleman will just be quiet.

Mr. LITTLEFIELD. You do not want to resurrect a dead issue.

Mr. THOMAS of Iowa. That is too dead to refer to. I may perhaps refer to it further along in my remarks, if time will permit.

Mr. THAYER. You are not supposed to be very accurate about such ancient history.

Mr. THOMAS of Iowa. The Congress that then came in—the Congress that came in on the 4th of March, 1889—immediately upon the organization, took up the trust question, and the outgrowth of that is the Sherman antitrust law which was placed upon the statute books.

Mr. LITTLEFIELD. The first bill in the Senate.

Mr. THOMAS of Iowa. I want to refer to another matter with reference to the passage of the Sherman antitrust law that has been referred to by the gentleman who preceded me [Mr. CLAYTON]. It is true, as he stated, that when that bill came up for final passage in the House the Democrats, as well as the Republicans, voted for it; but it is also true that before it came to a final vote they tried to side track it by substituting a free-silver measure instead of the bill, and, having been defeated in that and brought to a vote on the bill as it came from the Senate, they voted for it. It is not much to their credit that, after having tried in the House to defeat the Senate bill by substituting a bill on another subject and failed, and then having been brought right up against the real thing, to oppose or support the measure, they voted for it.

This is the fact, and this is a part of the history of the Democratic party upon this question. Let us go a little further into this investigation. By the election of 1892 the Democrats came into power. They had control of all the branches of the Government—the legislative and the executive. They had control of the Senate and the House of Representatives, and during that time you did not hear the trust question mentioned by them. They were dealing with other matters. They were dealing with the Wilson bill; and I admit here and now publicly that they did do a good deal in suppressing the trusts, not with any particular purpose of going into the "trust busting," but they did so only because the policy they put in operation had its influence in prostrating all industries alike.

Mr. LITTLEFIELD. And all other kinds of business. [Laughter on the Republican side.]

Mr. THOMAS of Iowa. They did enact the Wilson free-trade

mongrel tariff act, and I admit that as a result the trusts to a certain extent were suppressed, but, at the same time, in equal proportion, they suppressed every other industry in the United States. It is one of the black periods in the history of this country, that period when the Democratic party had supreme control over all the legislative branches of the Government.

We are not afraid to review the history of the two parties upon this question and compare them, the one with the other. We believe that when we take such review there is no question but that the Republican party will stand out bright before the American people; that it will stand out as the party that has in every crisis stood for the best interests of humanity and for the best interests of good government. In fact, there has not been a law written upon our statute books for the last fifty years that is worth reading that has not been written there by the Republican party. [Applause on the Republican side.]

Mr. ROBB. Will the gentleman yield for a question?

Mr. THOMAS of Iowa. Yes.

Mr. ROBB. I want to ask if it is not the fact that during the Democratic Administration which the gentleman is talking about there were not more prosecutions instituted under the Sherman antitrust law than in any preceding or succeeding administration?

Mr. THOMAS of Iowa. I do not know how that is; but we know that there were no great results from them, whether there were many prosecutions or not. [Laughter and applause on the Republican side.]

Mr. ROBB. Does the gentleman consider the decision in the Addyston pipe case not a result from the prosecution that was instituted during that Democratic Administration?

Mr. THOMAS of Iowa. I do not know when that was instituted.

Mr. LACEY. Will the gentleman from Iowa allow me a suggestion?

Mr. THOMAS of Iowa. Yes.

Mr. LACEY. Allow me to suggest that the Addyston pipe trust was formed under the Wilson bill.

Mr. ROBB. But the prosecution was commenced under a Democratic Administration.

Mr. LACEY. I say the trust was formed while the Wilson bill was in force.

Mr. THOMAS of Iowa. Mr. Chairman, before dismissing entirely all reference to the report of the Committee on Manufactures of the Fiftieth Congress, I desire to refer briefly to the urgent demand of the gentleman from Alabama, who has preceded me, to place trust-made articles on the free list as an effective remedy for the trust evil. It is his contention that the tendency of a protective tariff is to build up and foster trusts, and that a repeal of protective duties on trust-made goods would be a potent factor in solving the trust problem. I shall not attempt to go into a general discussion of the relation of tariff duties to the trusts, as time will not permit me to do so; but I shall content myself to draw out whatever lessons may be found in the proceedings of the House Committee on Manufactures and the reports made by that committee, to which I have already given some attention.

That committee started out in its investigations by an attempt to "beard the lion in his den." It attacked the two greatest trusts in the country—the Standard Oil trust and the sugar trust. It spent most of its time in the investigation of these trusts, and it found in them many things to condemn, and rightly, I believe. In fact, in the estimation of the committee they were very bad trusts; and one of the bad features they found in these trusts was that they presented a formula for all of the other trusts then existing and that were then "forming in this country," the number of which was "very large, and affects a large portion of the manufacturing and industrial interests of the country." Begging the indulgence of the House, I will again make this quotation from the committee's report: "Your committee has deemed it proper to call attention to this feature of these combinations, because it is believed it will be found that all trade combinations having similar aims have adopted this method or speedily will do so." If we credit the report of this committee, it will be seen that these two organizations took the initiative in this country in the formation of great and controlling organizations for the creation of monopoly, and that the others have only been following in their footsteps. No one would hardly venture to claim that these trusts, in their organization and building up to that point of becoming the most gigantic industrial organizations in the country, were aided or promoted in any manner by protective tariff legislation.

The Standard Oil trust neither dealt in nor produced any product or commodity that was touched by any tariff duty. The products that it produced and dealt in and put upon the market were on the free list and were open to the free competition of the world, without hindrance or impediment by any import duty. It was surrounded by a world of free trade, and in that freedom of trade it grew to such gigantic proportions.

At that time there was a duty on sugar, but that could not be of any advantage to the sugar trust, because there was practically then no sugar produced in this country, except a small amount produced in Louisiana, which was so insignificant in amount as not to affect the market to any appreciable extent. The sugar trust had acquired practical control of the sugar market of this country, and the only opposition that it has to-day is that afforded by the beet-sugar interests that have grown up in this country under the influence of the bounty paid under the McKinley tariff act of 1890 and the duties imposed upon the importation of raw sugar.

The lessons, then, to be drawn from the proceedings of that committee and the report made by it to the Fiftieth Congress—and no one has attempted or will attempt to controvert their correctness—are that the field uninfluenced by protective duties is as productive in the growth of trust organizations as the field surrounded by the barriers of protection, and I do not believe that I would be going outside of the plane of fair deductions from our actual experiences if I were to go still further and maintain that the general system of protection as advanced by the Republican party is influential in its general tendencies to keep open trade and competition among our own people and, in so doing, to reduce the opportunities to create monopoly by controlling here the markets and trade that properly belong to this country, rather than to permit them to be controlled and monopolized by other countries.

Without referring to the whisky trust and the cotton-bagging trust—also investigated by that committee—with more particularity, it will be sufficient to call attention to the fact that these grew up in the same atmosphere and surrounded by the same influence under which the Standard Oil and the sugar trusts were organized, with the last-named trusts for models of organization.

Owing to the course of discussion pursued by the speakers on the other side of the House who have preceded me, I have been led to digress from the line of argument outlined for myself in the discussion of the proposed legislation now before the House for its consideration. I will therefore direct my remaining remarks in that direction.

In considering the subject of trusts, it is important to understand what trusts are; and to find a remedy for the growing evil connected with trusts, it is necessary to trace out their growth and development and the causes and conditions that have led to their formation. It has become common to apply the name "trusts" to all large combinations of capital.

In discussing this question it will not do to make a blind or indiscriminate attack on all corporate existence, or on all large combinations of capital controlled by corporate authority; neither will it do, in the enacting of legislation to curb the growing evils of trusts, to fail to distinguish between those trusts and combinations of capital that are organized for the legitimate purpose of developing the resources of the country and supplying the increased needs and legitimate demands of the people and those that are organized for the more sordid purpose of subserving the rapacity of the promoters. This distinction should be kept clearly in view at all times; and while it should be the aim of every patriotic citizen to remove entirely, or reduce to a minimum, the evil in trusts and to compel their organizations and operations on a basis for the benefit and happiness of the whole people, care must be taken, so that whatever legislation may be enacted on that question, the aim must be to destroy the evil without attacking unduly or imposing unnecessary burdens on the combinations that are organized and operated in the interests of the people or for the public good.

This is a country of great extent and vast natural resources. The elements of wealth and greatness were distributed by the Creator throughout the country, extending from the Atlantic to the Pacific and from the lakes of the North to the Gulf of Mexico. They were placed there to be utilized for the benefit of mankind. It was never intended that they should lie dormant, but that they should be explored and developed.

This country is large in area and its natural resources are diversified. Its natural capabilities were great. These required development. To bring the different parts of the country in close relation so as to bring about a uniform, economic development of the whole country and for the utility of all, and to enable each part to develop its own resources and to contribute in the largest measure to the grandeur of the whole country required the building of vast systems of railroads and telegraph lines, and other means of rapid and easy communication. In the hills and valleys were embedded great mineral wealth. Our forests were filled with valuable timber, and the wide range of country with its fertile soil awaited the touch of industry to yield its products to supply the wants of mankind.

To develop these required the employment of capital and labor. Neither could do it alone without the aid of the other. The inexorable law of necessity here brought them together; and the

same law ought to be sufficient to hold them in such bond of union as will advance the united interests of both.

To build railroads over this vast expanse of territory; to construct telegraph lines; to improve the facilities for navigation; to discover the resources of the country and develop them required large combinations of capital. This could not be accomplished by individual effort.

In what we may properly term the development period of the country there were no great accumulations of wealth in individual hands. Individuals were not to be found who would take the personal risks and responsibilities of undertaking these large enterprises. The requirements were too vast; their magnitude was too great. Out of this necessity sprang the formations of corporations with large combinations of capital to accomplish these great purposes. In this industrial development individual effort was inadequate and the combinations of capital, contributed to by a great number of persons, without assuming that personal responsibility attended on individual effort, came as a necessary outgrowth of an industrial evolution.

Competition and the demand for an enlarged production led men of genius to the invention of labor-saving devices, so as to increase the productivity of the country and put its products on the market with as low per cent of expense as possible. The same causes were operative in the economic evolution that has been developing in this country, and that, in the cause of development, have led to combinations and concentration as a means of labor saving and of cheapening of products.

By the centralization of energetic forces into large establishments the per cent of expense is diminished. In nearly all the fields of production the output in large quantity, when produced by a single establishment, can be placed on the market with much less expense than the same product in like quantity could be produced and placed on the market by a number of smaller establishments. Our large extent of territory, its vast natural resources, the rapid increase of population, have made great demands on the ingenuity and energy of the people, and a response to these demands has led the way in this vast economic evolution. Whether these things are for the best interests of the people are not now questions open for discussion. They have entered the procession in the march of progress and have contributed in large measure to the rapid developments that have made this country renowned.

In the line of this economic development and as a necessary element in its accomplishment, large corporations combining vast interests and controlling great accumulations of capital have been formed, resulting in labor saving and reduction of expenses. That these large combinations were necessary in the development of the country, and with the labor they employed, were largely instrumental in developing the great natural resources of the country, and placing it in a position of first importance among the nations of the world, no one, acquainted with the economic history of the country, will deny.

Large combinations of capital—or trusts, if you please to call them such—when properly handled and properly controlled are a benefit to mankind and we would not destroy them if we could. But it is equally true that these trusts are in many instances formed and conducted for sordid and selfish purposes without due regard to the public good. Such trusts should be destroyed or placed under such control as will make them subserve the good of the people. They have no such natural rights as belong to the individual. Their rights and privileges are created by the laws of the country. They are creatures of the law and should be controlled by the law. The special privileges that are extended to them by the laws of the country in authorizing their organization and in giving them legal existence and extending to them rights and immunities not enjoyed by natural persons should be so limited as to prevent them from oppressing the people.

The incentive for a rapid development of the resources of the country have led the State governments and the Federal Government as well to grant extensive privileges to corporate capital. The desire for speedy gain and for an immediate realization of the fruits of our natural conditions have led to an opening up of the doors to the formation of corporations without incorporating in the laws those restrictions that may be necessary to subserve the interests of the people in the future. May it not be true that we have been building too much for the present without due regard for the future? May it not be true that, in the policy of economic development that we have been pursuing, we have been too restless with the single aim of present realization and too much inclined to let the future take care of itself?

We are drawing from our mines and forests immense wealth for the present day, and with the increase of population and the advancement of our methods of living to a higher plane these demands are daily increasing. We are and have been a people of nation builders, but will not reflection lead us to conclude that we are and have been building for the passing day rather than for the times that lie off distant in the future? Are our mines inexhaustible or can we not now contemplate the time, not very far off, as we count the age of nations, when we will discover a limit to their output? Can we not now encompass our forests, and, with the data at hand, name with reasonable accuracy the year when they will be exhausted?

Present greed is characteristic of the age; and while that is true, it serves as a stimulant to the daily march of progress. It is an influence more potent in giving direction to corporate management than to individual action. The oft-used phrase "Corporations are soulless" is not without meaning. They have no visible identity to which can attach the odium of misconduct as a personal matter, that attends the action and conduct of natural persons. The malfeasor is always found to be some agent or employee.

This will not justify an assault, indiscriminately, on all forms of organized capital, as some are attempting to do. Such a course, if pursued, would only result in breaking down our economic system of development that has wrought such wonders in the country without substituting anything to take its place. Whether our economic system, in its relations to combinations of capital, has been right or wrong, we must accept existing conditions and deal with them as we find them to-day and endeavor to retain what is right and correct what is wrong. It is these great combinations and corporations that are furnishing labor for our wage-earners to-day, and to destroy them or to limit their efficiency to operate for the public good would as certainly affect injuriously the laborers of the country and turn back the wheels of progress that have brought the country to its present marvelous state of development.

The strong hand of the law should be laid on all those trusts and combinations that are organized for the selfish and sordid purpose to destroy competition, to restrict business, to create monopolies, to limit production, or to control prices, as inimical to labor and subversive of the free institutions of the Government.

On a question of this kind there should be no disagreement of political parties.

We have built a nation in a little more than a century that has, in its rapid growth and industrial development, surpassed all other nations, a parallel of which can not be found in history. This has not been accomplished by a few individuals. It has been accomplished largely through the instrumentality of that great body of the common people known as the middle class. It is from this class that has emanated the brain and energy that have given life and activity to the forces that have developed the vast resources of the country.

Seeing that in open and free competition each individual had equal opportunities of preferment, and stimulated by the hope and desire of individual ownership in the fruits of effort, the people have devoted their energies to the advancement of individual interests, and by the advancement of individual interests have built up the interests of the country at large, which is but the aggregation of individual interests.

The best results in any nation are to be attained only when each individual is inspired with the thought of freedom of action and with the hope of the enjoyment of the ownership of property acquired through his own labor and skill. No nation can be truly prosperous where a large per cent of its population is in enforced idleness. General employment is essential to general prosperity and general happiness, but to make a country truly happy and truly prosperous requires more than these. It requires freedom of thought and freedom of action under such conditions as will insure to the individual the opportunity of enjoying the acquisition of the proceeds of his honest and well-directed efforts.

The young man that has no other incentive to action before him than that of being an employee, as a wage-earner under the direction and the control of others, is not moved by that strong influence to exert his energies in the development of his powers and capabilities as he who has before him the well-founded hope of enjoying an independence of action in an equal contest for preferment under a system that will assure him equal opportunities in the open field of competition for the enjoyment of the fruits of his labors in the acquisition and ownership of the proceeds of his efforts.

It has been the policy of this Government to adopt such measures as would afford the greatest opportunities to the individual and the greatest stimulant to individual action. It is under that policy that the poor men of the country have advanced to wealth and affluence, and the common people of the country have risen to the most important places in the State and nation, and have become conspicuous and noted in the fields of art, literature, and invention.

The great fortunes of this country, until the last decade, have been almost entirely in individual hands, and have been controlled by the individual who possessed them. There have been great combinations of capital, but they have had for their object the

development of the resources of the country or the production of those utilities that are necessary for the happiness of mankind. They were not originally organized for the monopolization of trade and commerce or the industrial forces of the country.

Some of these organizations doubtless still serve the purpose of promoting the public good; but, in the industrial and economic development characterizing this age of progress, many combinations and corporations are organized for the sole purpose of monopolization, for the purpose of concentration in a single executive head the power of absolute control not of a single business enterprise, but of all enterprises producing the same kind of products, so that the power of monopoly in an entire industry is concentrated in a single organization or management that may be exercised at will for good or evil.

These are the organizations at which legislation should be aimed, and as against them I am free to say that I am in favor of such legislation, to the limit of the constitutional power of Congress, as will be adequate to deprive them of the power of creating monopoly, and, if it is necessary to accomplish that purpose, to entirely dissolve them and to punish with the severest penalties those engaged in promoting them.

It is insufficient answer to say that these trusts, organized with large accumulations of capital and combining under one head vast industries, are able to produce and put on the market many of the necessaries for general consumption at less cost and at lower prices than could be otherwise done. The object of these organizations is the power to control the price of material, the price and condition of labor, the extent of the output, the means of transportation, and finally the market. With such power in a single management competition can not enter to influence trade, commerce, or the market.

It ceases to be a factor, and the people are left to the mercy of the trust. The trust can dictate. The people, while affording protection to the trust in the laws that give it existence, must submit to its dictation.

But these are not the only evil tendencies that threaten the country by the continual development and extension of the trust evil. It is breaking down the smaller establishments throughout the country that have maintained a close relation with the people, and that afforded opportunities for individual control and ownership.

The buying up of the smaller industries of the country and uniting them under one management or uniting them by the mutual agreement of the several constituents or organizations, or by forcing them out of business through their power to control prices and means of transportation, compels the original owners and those who had control to seek other employment or to enter the new organization as employees, instead of occupying the independent position of proprietor, with the incentive attendant upon the hope of ownership. It narrows the field of opportunity for proprietorship and independent occupation and admits nothing better to take its place than that the former proprietors become employees and enter the service of the trust under its control and dictation.

The natural results of such a policy is to destroy that incentive that has led the young men of this county to develop their energies and ingenuities that have been instrumental in raising so many of them from poverty to wealth and affluence, and from the ordinary walks of life to the highest positions in art, literature, commerce, and statesmanship, and that have, in such a marked degree, contributed to the marvelous growth and development of the country.

A continuation of the policy adopted by the trusts may result in the advancement of the wealth of the country, but it will be an accumulation of wealth in the hands of the few—the creation of a wealth aristocracy as objectionable in its tendencies and degrading in its influences as any feudal system that ever oppressed the people of Europe.

We may look at the trusts and their general tendencies and the influences that they are likely to have on our institutions, and we may decry against them. That will not effect a remedy. They have come with the industrial and economic evolution of the age, under laws that have given them existence, and the situation must be met and treated as it is found to exist at the present time. The diversity of interests; the differences of opinion, are all matters that can not be ignored in seeking a remedy for the trust evil.

There seems to be no very great disagreement on the general proposition that something must be done to curb the growing power and influence of trusts; but the difficulty arises when it is attempted to formulate a measure that will meet with general approval, or with such approval as will receive the approbation of the people of the country, and will, at the same time, accomplish the ends desired without seriously affecting the public interests.

A great many panaceas have been suggested for the trust evil; but many of these, when measured up with existing conditions, will be found not to reach the evil.

That the trust evil can be eradicated entirely is not to be expected any more than that human nature can be so reformed as to remove all traits of selfishness and sordid impulses. But, because we may not be able to reach the goal of perfection in this class of legislation is no sufficient reason why nothing should be done. Many remedies have been suggested. Some urge publicity as the most effectual means of working out a remedy. To this the answer is made that the remedy will not be complete, and therefore impracticable.

It is doubtless true that publicity alone will not effect a complete remedy. But it will be an important step in that direction, and, if adopted, in connection with the other measures proposed by the bill under consideration, it will have its influence and be one of the potent factors in bringing about the desired result. Others claim that Congress has already gone to the limit of its constitutional power in legislation in restraint of trusts. Section 8, Article I, of the Constitution provides that "Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

The authority conferred by this section of the Constitution is general in its terms. It is a plenary power, without limitation. It leaves to the discretion of Congress the manner of exercising that power and the determination of its scope of operation.

In the Sherman antitrust law, as is expressed in the title of that act, Congress enacted a measure intended "to protect trade and commerce against unlawful restraints and monopolies." It was then thought by many that the act approached closely the limit of authority of Congress under the Constitution, and that it would prove effectual in the restraint of the growing evils in trust combinations.

That law provided that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal." A violation of the law is declared a misdemeanor and punishable under its provisions. At the time of the passage of that act the growing tendency of corporate organizations was the formation of trusts in fact, where the properties remained in the original owners and the central or new organization was given the power to regulate and control the several organizations uniting in the combine, with the power to fix prices, the quantity of output, and matters generally thought to be for the benefit of constituent bodies.

The chief end to be attained was to avoid competition by placing the control of the several establishments in a single head. On this plan had been organized the Standard Oil trust, the sugar trust, the cotton bagging trust, and many others of a similar nature. But, after the enactment of the Sherman law, it was found that that method of combination would prove impracticable and it was very soon abandoned, and the method that is now pursued was adopted, and instead of the constituent organizations holding the properties they are transferred absolutely to the trust; the trust issues its stock to the original companies in amounts according to the values put on the same in the deal, in nearly every instance issuing stock largely in excess of its actual value or what it would cost to reproduce it.

By this plan of organization the trust character was to some extent eliminated, but the purposes of the organization remained the same. The several constituent organizations are placed under a single management and competition is practically destroyed.

Numerous prosecutions have been had under the Sherman law, and the Supreme Court of the United States has quite clearly defined the scope of that law and the limitations of its provisions as a regulation of commerce among the several States. But none of these cases go to the extent of defining the limitations to the power of Congress in the regulation of commerce, or of defining the manner of exercising that power. In these cases the Supreme Court has only attempted to declare the will of Congress as expressed in that and other acts on this general subject. That act has been sustained in every provision. The court was not required in these cases to determine the limit of Congressional power under the Constitution; but only to determine the limit to which Congress had already gone in its legislation on this subject.

In the case of the United States *v.* Knight & Co. the Supreme Court defined the limitations of the act of July 2, 1890, and in defining the scope of that act discussed the constitutional powers of Congress, so far as they related to the facts in the case then under consideration. The American Sugar Refining Company was incorporated under the laws of New Jersey. It acquired by purchase a number of other refineries, situated in the State of Pennsylvania, and, after having acquired them, controlled nearly the whole sugar-refining interests in the United States. It held a monopoly of the sugar-refining of the country. But its operations of manufacturing and refining sugars were within the limits of the State, and commerce with other States was only an incident to the business for which the trust was formed.

Under this state of the case it was held that under the provision of the Sherman law the contracts under which the several refineries

were taken into the sugar trust could not be dissolved; that in the manufacture and production of sugar within the limits of a State the sugar was not subject to the provision of the antitrust law, and that under the commerce clause of the Constitution Congress has not the power to place the manufacture or refining of sugar, under such circumstances, under such control, as a regulation of commerce.

But I desire to call attention to the fact that in that case there was no charge that there was any violation of the law, or attempted violation, in any matter pertaining to the transportation of the product of the trust from one State to another. The attack was made on the contract through which the several constituent companies were taken into the trust, which did not pertain to the commerce among the States of the sugar to be produced.

In that case it said:

The regulation of commerce applies to the subjects of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and the instrumentalities, and articles bought, sold, or exchanged for the purpose of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of the interstate trade or commerce.

In case of separate jurisdictions, as exist under the Federal Constitution between the Federal Government and the several States, there must be a line defining the powers of each. In defining the powers of each in the case of Coe *v.* Errol (116 U. S., 517) the Supreme Court says:

There must be a point of time when they cease to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for that purpose, in which they commence their final movement from the State of their origin to that of their destination.

This defines the point at which a commodity becomes a subject of interstate commerce. In the investigation of this question it is equally important to ascertain when it ceases to be such.

In the case of Leicey *v.* Hardin (135 U. S., 100) it is held that a commodity retains its character as a subject of interstate commerce until it reaches the consignee, and may then be sold by him in the original package, under the protection of the interstate-commerce law, free from its control by State laws. In these cases we have defined the full limit as to the time of the commencing and ending of the operation of the interstate-commerce clause of the Constitution on any commodity subject to its provisions. Within these limits the power of Congress is unrestricted. It is within the scope of its power to define what are proper subjects of interstate commerce and the terms and conditions under which any commodity may become a subject of commerce among the States. Congress has the power to recognize and refuse to recognize a commodity as a proper subject of interstate commerce, and any action of Congress on that subject can not be questioned by the courts.

Defining the power of the courts on this question, in the case of Leicey *v.* Hardin, the court says:

Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we can not hold that any articles which Congress recognize as subjects of interstate commerce are not such, or whatever are there recognized can be controlled by State laws amounting to regulations, while they retain that character.

This is quoted and the same rule is applied in the case of Schollenberger *v.* Pennsylvania (171 U. S., 13, 14).

In the case of In re Rahrer (140 U. S., 545) the Supreme Court, in passing upon the question as to the power of the State legislature to determine what is legal commerce and answering the contention that the States possessed such power, says:

If this be the true construction of the constitutional power, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce.

These cases plainly establish the fact that one of the constitutional powers of Congress to regulate commerce is the prerogative of determining what commodities are proper subjects of legal commerce, and on that subject its power is supreme. If Congress has the power to determine what commodities are proper subjects of legal commerce, it necessarily follows as a corollary that it has the power to declare the condition upon which any commodity may be put in process of interstate commerce.

In the case of Leicey *v.* Hardin, already referred to, the Supreme Court held that intoxicating liquors having been recognized by Congress as an article of legal commerce, the sale of it by the consignee could not be prohibited by any law of the State while it remained in the original package. To overcome the force of this decision, and to remove intoxicating liquors from the protection of the commerce clause of the Constitution, and subject them to State supervision, the Wilson bill, approved August 8 1890, was passed by Congress, which provided:

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in said State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquids had been produced in said State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The purpose of the statute was to divest intoxicating liquors of the character of subjects of interstate commerce at an earlier period than would happen without such statute.

In the case of In re Rahrer, 140 U. S., on page 562, the court, in construing this act and holding it valid, says:

No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

From these cases it will be seen that Congress has the power, under the Constitution, to determine what commodities are proper subjects of interstate commerce, to fix the time and circumstances under which any article of interstate commerce shall cease to be such and become subject to State laws; and if Congress possesses these powers, then it is equally true that Congress has the power to determine the conditions precedent to any commodity becoming an article of interstate commerce.

The Congress under its constitutional power can not reach into a State and control a corporation organized under State laws for the purpose of carrying on a business or producing a commodity within the boundaries of the State. Such control is reserved to the State. Congress can not require such corporation to give publicity to its organization or business, nor can it by the enactment of any law inhibit such corporation or trust from monopolizing or controlling the production, manufacture, or sale of any product or commodity within a State. But it has the power, by general law, to declare certain conditions to be performed by the producer, owner, or shipper precedent to his product or commodity becoming an article of interstate commerce.

While Congress can not require a corporation organized under State law and conducting a business within a State to give publicity to its organization or business, it may, acting within its constitutional powers to regulate commerce among the States, require such corporation to give such publicity as a condition precedent to its entering into interstate or foreign commerce, and for the enforcement thereof may impose penalties providing for the punishment of such corporation and its officers for engaging in or attempting to engage in such commerce, without having first performed the conditions required.

The first four sections of the bill require publicity to be given by corporations engaged in interstate and foreign commerce in matters pertaining to their organization and business, and a penalty is provided in case of neglect or refusal to give such publicity, to be enforced by prosecution in the courts of competent jurisdiction. These sections also provide that corporations failing to make such returns may be enjoined from engaging in interstate commerce by suit in the name of the United States. I believe that this is clearly within the limits of the constitutional powers of Congress to regulate commerce among the States.

To express my own views, I should much prefer that this section be amended so as to place corporations already organized on the same basis with those to be organized in the future, and when the proper time comes I shall submit an amendment covering this point.

I have already occupied too much time. I shall not, therefore, attempt to discuss the other provisions of the bill at this time, but leave that to my associates, contenting myself with the further statement that I believe that every provision of the bill is within the scope of the constitutional power of Congress to regulate commerce with foreign countries and among the States, and that if enacted into law it will go far toward solving the vexed trust problem.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his clerks, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 4, 1903:

H. R. 1193. An act to correct the military record of Henry M. Holmes; and

H. R. 6467. An act granting an honorable discharge to Samuel Welch.

On February 3, 1903:

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.

TRUSTS.

The committee resumed its session.

[Mr. MIERS of Indiana addressed the committee. See Appendix.]

Mr. THOMAS of North Carolina. Mr. Chairman, the pending

bill is the result of the popular demand for some further legislation to correct and restrain the trust evil in this country.

More than twelve years ago the Sherman antitrust law was enacted, and although we have been repeatedly informed by the distinguished gentleman from Ohio, General GROSVENOR, and others on the Republican side of the House, that this law afforded an adequate remedy against the existence and growth of those monoplies which the people, by common consent, have denominated trusts, the President and this Republican Congress admit its inadequacy and propose at this late day to supplement the provisions of the Sherman law.

I take it the Republican party is proceeding upon the idea, "better late than never." This construction of Republican action is more lenient than the conclusion that the Republican party has been forced to abandon its inaction by the fear of defeat and the rising storm of popular indignation at its policy of favoritism toward and toleration of the combinations of capital which oppress the masses, destroy competition, and endanger the free institutions of the greatest Republic in all history.

Whatever may be the motive for framing and presenting this legislation to this Congress, it is true either, first, that the Sherman Act of July 2, 1890, and the subsequent amendments thereto in the Wilson tariff act of August 28, 1894, expressly preserved in the Dingley Act of 1897, have not been enforced by the Republican administrations since their enactment; or, second, that they are ineffective, in whole or in part, to curb and restrain monopoly. Additional legislation is necessary and is demanded by the people of the country.

I shall not attempt in this debate to discuss the economic questions involved in the formation and growth of trusts or the legal aspects of the Sherman law and pending measure of the committee.

I am sure these matters have had the full and careful consideration of the Judiciary Committee, and the whole subject as adjudicated in the courts and from the standpoint of political economy presents a vast field of thought, study, and investigation. The national and State antitrust laws, the decisions of the United States Supreme Court, and the recommendations of the President doubtless have received the consideration of the committee.

The interstate and foreign commerce clause of the Constitution of the United States (Art. I, Section VIII, clause 3), and the decisions of the United States Supreme Court, enumerated in the reply of the Attorney-General, dated January 3, 1903, to the communication of Senator HOAR, chairman of the Senate Judiciary Committee, from the Knapp case down to and including the Addystone Pipe and Steel Company case, show that the power of Congress to legislate upon the question is ample so far as interstate commerce is concerned. Invoking this power at the last session of this Congress, Democrats introduced many bills; among others, bills providing for—

First. Publicity.

Second. Placing trust-made goods on the tariff free list.

Third. Making trust-made goods liable to State antitrust laws when they enter the States having such laws.

Fourth. Placing upon the free list trust-made goods sold cheaper abroad than at home—at a less price to the foreigner than to the American citizen.

None of these measures were adopted by the Republican majority, but all were buried in the committee. One Republican, the distinguished and able gentleman from Maine [Mr. LITTLEFIELD], introduced one bill to amend and strengthen in a very mild form the Sherman law.

But since the election, and since the Republican party has had some greater manifestation of the popular opposition to trusts and the feeling of the people upon this great question, at this late day and hour they now propose this measure of slight relief to the people, which will doubtless meet the usual fate of all Republican antitrust bills originating in this House, namely, a lingering death upon the Senate Calendar.

But, Mr. Chairman, does this legislation yet go far enough, does it strike at the root of the evil, does it eradicate and cure the trust cancer upon the body politic? Will it do more, if it does that, than to alleviate temporarily the evil and restrain the cancerous growth while monopoly still exists? The real danger to the country lies in the formation and the overcapitalization of the 287 corporate trusts of the country, 200 of which are benefited by and owe their formation to the tariff laws of the Republican party.

Henry O. Havemeyer, president of the sugar trust, said on June 14, 1899:

> The mother of all trusts is the customs tariff bill. It is the Government, through its tariff laws, which plunders the people, and the trusts are merely the machinery for doing it.

The national Democratic platform of 1900 declared:

> We condemn the Dingley tariff law as a trust-breeding measure skillfully devised to give the few favors which they do not deserve and to place upon the many burdens which they should not bear.

Mr. BABCOCK, chairman of the national Republican Congressional executive committee, in 1901 said:

> By the aid of the tariff, manufacturers can fix exorbitant prices in the domestic market.

And, as has been tersely said, "the Dingley law ties the hands of the American consumer while the trusts pick his pockets."

Under the Republican protective tariff trusts have increased and flourished as never before in the history of the United States or the world. The only other countries having trusts comparable to ours are the protected countries of Continental Europe, especially Germany and Austria.

More trusts have been formed since the Dingley law was enacted than ever before in our national history. Out of 287 of these industrial combinations, according to an accurate list, more than 200 are directly or indirectly, in whole or in part, benefited and fostered by the Dingley tariff law. These have monopolized for their private benefit nearly all the necessaries of life, and levy tribute upon the people from the cradle to the grave. They control competition, regulate production, fix prices. From the moment the Dingley law was passed trusts sprang up as if by magic, competition was destroyed, industrial enterprise stifled.

Russell Sage, speaking of the danger to business and to our institutions from the destruction of competition and the overcapitalization of the trusts, said, in an article in the North American Review, the destruction of competition must lead to "retaliative legislation:"

> We had better remain content with the old-fashioned system of honest competition, under which we have grown great as a nation and prosperous as a people.

The consolidations of to-day begin at the very outset with capitalizations which cast all past experiences in the shade and which almost stagger the imagination.

The steel combination, with its capitalization of $1,400,000,000, a sum more than one-half the national debt, one-seventieth the entire wealth of the United States, is the giant combination of them all. This company's issue of securities will represent practically one-half the entire volume of money of the United States. In the combination of capital of this colossal organization the stockholders received three shares of stock in the new corporation for one in the old. By a stroke of the pen what was $1,000,000 is converted into $3,000,000.

Besides the steel trust, towering over all, we have seen organized under the McKinley and Roosevelt Administrations, and since the Dingley law, trusts which control nearly every necessary of life, nearly every product and business industry of this country. With the Dingley law dawned upon the nation the trust era.

Mr. Chairman, we may pass restraining statutes, but as long as our absurdly high tariff stands—a tariff enabling the manufacturers and trusts to sell their goods cheaper to the foreigner than to our own citizens, a tariff the highest known in the history of our Government—the trusts will continue to flourish, They will increase in numbers, and will grow in power and influence, in spite of this legislation, for great accumulation of wealth in the hands of a favored few under the tariff laws makes easy the formation of great industrial and transportation combinations. We are now in the stage of trust development when the tariff, combined with other special privileges, permits the trusts to extort from consumers.

Reform the tariff in those schedules which shelter monopoly, and you strike at the root of the trust evil and eradicate it, because you restore competition, make the concentration of wealth difficult or impossible, and thereby destroy monopoly.

Mr. Chairman, the greatest danger to the country to-day is in the growth of monopoly, which is contrary to the genius and spirit of our free institutions, builds up special classes, and leads to constant conflicts between the two great American forces—labor and capital.

Says Lloyd, in his Wealth against Commonwealth, "Monopoly is business at the end of its journey." "The concentration of wealth, the wiping out of the middle classes, are other names for it." "Liberty produces wealth, and wealth destroys liberty, for liberty and monopoly can not live together." This has been the history of the world since time began. Under this irresistible law of the decay of free institutions with the growth of wealth and its concentration in the hands of the few, the greatest and freest nations of the world have been doomed to destruction.

The invocation of every power of Congress to resist this tendency to monopoly is, therefore, the patriotic duty of Congress, and not only should the commerce clause of the Constitution be invoked, but those tariff schedules which shelter monopoly should be reformed or repealed.

Illustrations of trusts maintained or fostered by the high protective tariff of the Republican party are numerous. The largest trust of all is, of course, the mammoth steel trust, to which I wish again especially to refer. This trust embraces most of the

great steel and iron plants and companies of the country and controls practically all the steel and iron output—at least 85 per cent of it.

It absolutely dictates the prices of all the immense number of articles included in these steel and iron industries, and also dictates wages. It is capitalized at the enormous sum of $1,400,000,000, and its dividends are about 10 per cent, or nearly $150,000,000 per annum. Fully two-thirds of this enormous profit is gained directly from the tariff, the average tariff protection on articles controlled by this trust being about equal to 50 per cent. This 50 per cent represents all extra profit to the steel trust over and above the legitimate profit which it would make, or which its constituent companies would make, if there were no such tariff protection.

It may be said, as the protectionists always maintain, that if there were no such protection the American manufacturers could not make anything at all. Recent developments have proved the falsity of this claim. It may have been true at some time in the distant past, when our "infant industries" were infants indeed. It is not true now, when the cost of production and of raw material in the steel industries and in many of our other industries is no greater than abroad. If this be denied, the denial is refuted by the actions of the trusts themselves in selling their products abroad in foreign markets at the same prices, or lower prices, than the foreign-made goods of the same sort command in their home market.

That the trusts of the United States have been and are doing this right along there is abundant and conclusive evidence. Mr. Schwab, the president of the steel trust, confessed it to be true of his trust before the Industrial Commission and said it was the general practice of the trusts. Other trust magnates have borne similar testimony. The export price lists of the exporting firms prove the charge; so do the records of sales made abroad. Mr. Schwab nonchalantly said when business was in a normal condition nowadays—in these days of trust-made tariffs and tariff-made trusts—export prices were "always" lower than home prices and that to the best of his recollection American-made steel rails had been sent to Europe and sold there for $23 a ton at the same time when they were selling in the American market for $28 a ton.

In other words, the tariff gives the steel trust a chance to charge the American customer $28 a ton for steel rails, and the trust naturally accepts this opportunity and does charge the American customer $28 a ton, while at the same time the trust sends its rails abroad and sells them there for $23 a ton, and makes a profit on them at that, and thus literally robs the home customer out of at least $5 a ton; and it is on the profits of this robbery that the steel trust grows so rich. It thrives by wringing extortionate profits out of our citizens, while remaining content with reasonable profits from foreigners; and it is the high tariff that enables it to do so.

The story of one trust is the story of all of them, with slight variations. There is no need to amplify details, but a few more will be pertinent.

The oil trust is protected by a duty equal to 17 per cent on refined oil, and declares dividends of 40 or 50 per cent annually.

The window-glass trust is protected by a duty equal to 59 per cent, on an average, and declares dividends of about 15 per cent.

The sugar trust is protected by an average duty equal to 85 per cent, and pays dividends of from 14 to 22 per cent.

The biscuit trust is protected by a duty equal to about 20 to 32 per cent, or an average of, say, 26 per cent, and pays dividends of 10 per cent.

The match trust is protected by a duty of 29 per cent, and pays dividends of 10 per cent.

The cement trust is protected by a duty equal to 23 per cent, and pays dividends as high as 33 per cent.

The salt trust is protected by an average duty equal to 39 per cent, and makes at least 7 per cent annually.

The copper trust and brass trust are protected by a duty of 46 per cent on manufactures of those metals, and they both make at least 8 per cent annually.

Some of the other trusts, all of which declare handsome dividends, on stock, too, that is at least one-half fictitious and "water," are protected as follows:

The various chemical trusts, by an average tariff of 27 per cent.

The rubber trust, by an average tariff of 32 per cent.

The leather trust, by an average tariff of 36 per cent.

The various paper trusts, by an average tariff of 29 per cent.

The woolen trust, by an average tariff of 91 per cent.

The various tobacco trusts, by an average tariff of 115 per cent.

The modest borax trust may be allowed to wind up the procession with a tariff protection of only 158 per cent.

A few more discriminations in favor of the foreign markets may profitably be cited. It has been discovered, for example, that our borax sells at home for nearly 8 cents a pound, abroad at 2½ cents a pound. Our wire nails sell at home at $2.05 per 100 pounds, and abroad at $1.30. Our handsaws sell at home at $18 per dozen, and abroad at $15. Our Bessemer tin plates sell at home at $4.19 per 100 pounds, and abroad at $3.19. Our galvanized wire rope sells at home at $9.70 per hundred feet, and abroad at $3.12. Our table knives sell at home at $15 per gross, and abroad at $12. Our oil machinery, our agricultural machines, our sewing machines, our typewriting machines, almost all kinds of machinery and of our other manufactured articles, can be bought much lower abroad than at home. Is not that a humiliating, an exasperating condition for a true American to reflect upon?

If American citizens continue to endure such extortion on the part of the trusts they will sacrifice their manhood and must eventually become mere serfs and slaves to these great combinations and corporate monopolies. Pass not only the pending bill but the amendments thereto recommended by the minority of the Judiciary Committee in their report upon this bill; reform your tariff schedules in so far as they shelter monopoly—at least in so far as they enable the trusts to sell their goods cheaper abroad than at home; break down this tariff bulwark which enables the trusts to practice extortion upon our own citizens; restore competition in part in this way, and you strike at the root of the evil and benefit the people. This can be done, Mr. Chairman, without affecting any legitimate industry North or South.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5909. An act for the extension of Euclid avenue;

S. 966. An act granting an increase of pension to William F. Turner;

S. 1227. An act granting an increase of pension to Bowman H. Peterson;

S. 1335. An act granting a pension to Elizabeth Neal;

S. 1631. An act granting an increase of pension to Edna K. Hoyt;

S. 2860. An act granting an increase of pension to Henderson Mercer;

S. 3174. An act granting an increase of pension to Fredericke W. Lillman;

S. 4287. An act granting an increase of pension to David N. Tolles:

S. 4443. An act granting an increase of pension to Thomas Bassett;

S. 4919. An act granting an increase of pension to James M. White;

S. 5641. An act granting a pension to Charlotte J. Closser;

S. 5738. An act granting an increase of pension to William E. Fehrenback;

S. 5830. An act granting an increase of pension to Andrew Jackson;

S. 5929. An act granting a pension to Margaret J. McCranie;

S. 5993. An act granting an increase of pension to James G. Davis;

S. 6024. An act granting a pension to Rebecca A. Glass;

S. 6143. An act granting an increase of pension to Elvira C. Compton;

S. 6394. An act granting a pension to Evarts Ewing Munn;

S. 6652. An act granting an increase of pension to Leander W. Cogswell;

S. 6702. An act granting an increase of pension to Emily Lawrence Reed;

S. 6734. An act granting an increase of pension to Marie A. Rask;

S. 6843. An act granting an increase of pension to A. Paul Horne;

S. 6941. An act granting an increase of pension to James Monty;

S. 7176. An act granting an increase of pension to Jennie W. Rhoades;

S. 7182. An act granting an increase of pension to William H. McHenry;

S. 7202. An act granting an increase of pension to Fanny B. Orwan; and

S. 7207. An act granting an increase of pension to May Mosher Chase.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others; and

H. R. 13703. An act for the relief of N. F. Palmer, jr., & Co., of New York.

TRUSTS.

The committee resumed its session.

Mr. LITTLEFIELD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial conditions, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, and had come to no resolution thereon.

FANNIE T. SAYLES, EXECUTRIX.

The SPEAKER pro tempore laid before the House the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, with a Senate amendment.

The Senate amendment was read.

Mr. OVERSTREET. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ADDITIONAL TERMS OF COURT, WESTERN JUDICIAL CIRCUIT, SOUTH CAROLINA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 14275, entitled "An act providing for additional terms of court in the western judicial district of the State of South Carolina."

The Attorney-General reports that the establishment of the two additional places for holding court in the western judicial district of South Carolina at Spartanburg and Rockhill would be accompanied by considerable expense, which would be hardly justifiable, as the necessity is at least very doubtful.

In response to requests for their views on the subject, the judges of the circuit and district courts in this district also report that there is no necessity for and that the public business does not require such additional terms.

In view of these statements, I am constrained to withhold my approval of the bill.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 5, 1903.*

The bill is as follows:

Be it enacted, etc., That a term of the circuit and district courts of the United States shall be held in the western judicial district of South Carolina at the city of Spartanburg on the first Tuesday of February and at the city of Rockhill the third Tuesday of September in each year, and the judges, marshal, and clerk shall attend said terms: *Provided*, That the county and city of Spartanburg and the county of York and the city of Rockhill shall furnish, respectively, places for the holding of said terms of court without cost to the United States.

Mr. OVERSTREET. Mr. Speaker, I move that the message be referred to the Committee on the Judiciary.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER, for five days, on account of sickness.

To Mr. FOX, for one week, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6734. An act granting an increase of pension to Marie A. Rask—to the Committee on Pensions.

S. 6702. An act granting an increase of pension to Emily Lawrence Reed—to the Committee on Pensions.

S. 6394. An act granting a pension to Evarts Ewing Munn—to the Committee on Pensions.

S. 5993. An act granting an increase of pension to James G. Davis—to the Committee on Pensions.

S. 3174. An act granting an increase of pension to Fredericke W. Lillman—to the Committee on Invalid Pensions.

S. 1631. An act granting an increase of pension to Edna K. Hoyt—to the Committee on Pensions.

S. 5909. An act for the extension of Euclid avenue—to the Committee on the District of Columbia.

S. 7182. An act granting an increase of pension to William H. McHenry—to the Committee on Invalid Pensions.

S. 6941. An act granting an increase of pension to James Monty—to the Committee on Invalid Pensions.

S. 6843. An act granting an increase of pension to A. Paul Horne—to the Committee on Invalid Pensions.

S. 6652. An act granting an increase of pension to Leander W. Cogswell—to the Committee on Invalid Pensions.

S. 6143. An act granting an increase of pension to Elvira C. Compton—to the Committee on Invalid Pensions.

S. 6024. An act granting a pension to Rebecca A. Glass—to the Committee on Invalid Pensions.

S. 5929. An act granting a pension to Margaret J. McCraine—to the Committee on Pensions.

S. 5830. An act granting an increase of pension to Andrew Jackson—to the Committee on Invalid Pensions.

S. 5738. An act granting an increase of pension to William E. Fehrenback—to the Committee on Invalid Pensions.

S. 5641. An act granting a pension to Charlotte J. Closser—to the Committee on Invalid Pensions.

S. 4287. An act granting an increase of pension to David N. Tolles—to the Committee on Invalid Pensions.

S. 4919. An act granting an increase of pension to James M. White—to the Committee on Invalid Pensions.

S. 4443. An act granting an increase of pension to Thomas Bassett—to the Committee on Pensions.

S. 2860. An act granting an increase of pension to Henderson Mercer—to the Committee on Invalid Pensions.

S. 1335. An act granting a pension to Elizabeth Neal—to the Committee on Invalid Pensions.

S. 1227. An act granting an increase of pension to Bowman H. Peterson—to the Committee on Invalid Pensions.

S. 966. An act granting an increase of pension to William Y. Turner—to the Committee on Invalid Pensions.

S. 7207. An act granting an increase of pension to May Mosher Chase—to the Committee on Pensions.

S. 7176. An act granting an increase of pension to Jennie W. Rhoades—to the Committee on Invalid Pensions.

S. 7202. An act granting an increase of pension to Fanny B. Orwan—to the Committee on Invalid Pensions.

REPRESENTATIVE MOODY, OF NORTH CAROLINA.

Mr. KLUTTZ. Mr. Speaker, it is my sad duty to announce to the House the death of my friend and colleague, Hon. JAMES MONTRAVILLE MOODY, a member of this House from the State of North Carolina. He died at 1.30 o'clock p. m. to-day at his home in Waynesville, N. C. This House has lost one of its most faithful and useful members, and his State a public servant who has honored her in this Congress, as in every other official position he has ever held.

I shall not at this time trust myself to make any extended remarks, but at some future day his colleagues will ask the House to take such action upon his death as in its judgment is proper. I ask the adoption of the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House of Representatives has learned with profound sorrow of the death of the Hon. JAMES MONTRAVILLE MOODY, member of this House from the State of North Carolina.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken; and pending the announcement of the vote, by unanimous consent of the House, the Speaker pro tempore announced the names of the following members to attend the funeral of the deceased: Mr. KLUTTZ of North Carolina, Mr. BLACKBURN of North Carolina, Mr. CLAUDE KITCHIN of North Carolina, Mr. BROWNLOW of Tennessee, Mr. GIBSON of Tennessee, Mr. TATE of Georgia, Mr. FINLEY of South Carolina, Mr. JOHNSON of South Carolina, Mr. LAMB of Virginia, Mr. HAUGEN of Iowa, Mr. HENRY of Connecticut, Mr. RANDELL of Texas, Mr. COONEY of Missouri, Mr. POU of North Carolina, Mr. SMALL of North Carolina, Mr. CLARK of Missouri, Mr. WRIGHT of Pennsylvania, and Mr. COCHRAN of Missouri.

The resolutions were agreed to; and then, in accordance therewith, and in pursuance of its previous order at (5 o'clock and 5 minutes p. m.), the House adjourned until 10 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief Signal Officer, United States Army, report of public documents distributed during the fiscal year ended June 30, 1902—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief clerk of the Court of Claims submitting an estimate of appropriation for repairs of heating apparatus in Court of Claims building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Treasurer of the United States submitting an estimate of appropriation for use of the national-bank redemption agency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from Supervising Architect of the Treasury submitting an estimate of appropriation for rent of temporary

quarters for Government officials at Waco, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for hire of vehicle—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, reported the joint resolution (H. J. Res. 262) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers, accompanied by a report (No. 3544); which said bill and report were referred to the House Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3522) to increase the pension of Mexican war survivors to $12 per month, reported the same without amendment, accompanied by a report (No. 3545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia, reported the same without amendment, accompanied by a report (No. 3548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 138) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 3549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 2984) referring the claim of Hannah S. Crane and others to the Court of Claims, reported the same without amendment, accompanied by a report (No. 3543); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition, reported the same without amendment, accompanied by a report (No. 3546); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17179) granting an increase of pension to Christopher G. Divers, reported the same with amendments, accompanied by a report (No. 3547); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1168) to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list, reported the same without amendment, accompanied by a report (No. 3550); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows;

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15692) to correct the muster and authorize the pay of Frederick R. Eastman, reported the same adversely, accompanied by a report (No. 3551); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6913) for the relief of John W. Lewis, reported the same adversely, accompanied by a report (No. 3552); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17268) granting an increase of pension to James C. Neff, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 17274) to amend the act of February 24, 1897, entitled "An act to provide for the relief of certain officers and enlisted men of the volunteer forces"—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 17275) to pay John Iredale for services as folder in April, 1901—to the Committee on Accounts.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17276) to fix the salary of the Public Printer—to the Committee on Printing.

By Mr. HULL, from the Committee on Military Affairs: A joint resolution (H. J. Res. 262) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CASSINGHAM: A bill (H. R. 17277) to correct the military record of Alexander D. Patton—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 17278) for the relief of Thomas C. Sweeney—to the Committee on Claims.

Also, a bill (H. R. 17279) granting a pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17280) granting an increase of pension to William H. Laws—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 17281) for the relief of Michael Conlan—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 17282) to extend the provisions of the act of March 3, 1885, relative to officers and enlisted men of the United States Army—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 17283) for the relief of J. B. Jones—to the Committee on Claims.

By Mr. METCALF: A bill (H. R. 17284) to provide an American register for the British ship Pyrenees—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERMAN: A bill (H. R. 17285) for the relief William Gardner—to the Committee on Military Affairs.

By Mr. SNOOK: A bill (H. R. 17286) to remove the charge of desertion from the record of William Urton—to the Committee on Military Affairs.

Also, a bill (H. R. 17287) granting an increase of pension to John Elston—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the First Presbyterian Church of Rochester, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of Iron Molders' Union, No. 150, of Newcastle, Pa., urging the passage of House bill 3876, for an eight-hour law—to the Committee on Labor.

By Mr. CALDERHEAD: Petitions of J. M. Rutherford, J. L. Clark, and other druggists, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Peoria (Ill.) Retail Grocers' Association, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSINGHAM: Papers to accompany House bill to correct the military record of Alexander D. Patton—to the Committee on Military Affairs.

By Mr. CONRY: Resolutions of the Citizens' Association of Jamaica Plain, Mass., regarding interstate railroad traffic, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Edgerton, Wis., favoring the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Papers to accompany House bill granting a pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Resolution of Electrical Workers' Union No. 21, of Philadelphia, Pa., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. GRIFFITH: Papers to accompany bill relating to the correction of the military record of William Burke—to the Committee on Military Affairs.

By Mr. IRWIN: Paper to accompany House bill for the relief of J. B. Jones—to the Committee on Claims.

By Mr. LACEY: Petition of the National Live Stock Association in favor of a public-land commission—to the Committee on the Public Lands.

Also, protest of the same against the passage of House bill 15008, called the "land exchange" bill—to the Committee on the Public Lands.

Also, resolutions of the same in favor of preserving the pasturage on the public domain—to the Committee on the Public Lands.

By Mr. LIVINGSTON: Paper to accompany bill for the relief of the heirs of Hartwell Jones—to the Committee on War Claims.

Also, paper to accompany bill for the relief of Malitta Long—to the Committee on War Claims.

By Mr. MOODY of Oregon: Petition of Grand Prairie Grange, No. 10, of Albany, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBINSON of Indiana: Petition of G. M. McBride, of Ashley, Ind., against the repeal of the now existing canteen law and in favor of an antipolygamy amendment—to the Committee on the Judiciary.

By Mr. RYAN: Papers to accompany House bill for increase of pension of William K. Fowler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill for the relief of William Gardner—to the Committee on Military Affairs.

By Mr. SKILES: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to John Elston, of Mandall, Ohio—to the Committee on Invalid Pensions.

By Mr. SULZER: Protest of New Kurlander Lodge, No. 95, Order of B'rith Abraham, New York City, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the executive committee of the Interstate Commerce Law Convention, Milwaukee, Wis., in relation to House bill 15592—to the Committee on Interstate and Foreign Commerce.

By Mr. WARNOCK: Petition of Woman's Christian Temperance Union of Plain City, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, *February 6, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Chair hears none, and it is approved.

EFFICIENCY OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. COCKRELL, Mr. QUARLES, and Mr. FORAKER were appointed.

PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting for the information of the proper committees of the Senate copies of reports made in regard to the limit of cost of certain public buildings; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the preamble to the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The message also announced that the House had passed with amendments the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other act having a like purpose that may hereafter be enacted, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same; further insists upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, and 8 to the bill upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further communicated to the Senate the intelligence of the death of Hon. JAMES MONTRAVILLE MOODY, late a Representative from the State of North Carolina, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. KLUTTZ of North Carolina, Mr. BLACKBURN of North Carolina, Mr. CLAUDE KITCHIN of North Carolina, Mr. BROWNLOW of Tennessee, Mr. GIBSON of Tennessee, Mr. TATE of GEORGIA, Mr. FINLEY of South Carolina, Mr. JOHNSON of South Carolina, Mr. LAMB of Virginia, Mr. HAUGEN of Iowa, Mr. HENRY of Connecticut, Mr. RANDELL of Texas, Mr. COONEY of Missouri, Mr. POU of North Carolina, Mr. SMALL of North Carolina, Mr. CLARK of Missouri, Mr. WRIGHT of Pennsylvania, and Mr. COCHRAN of Missouri members of the committee on the part of the House to attend the funeral of the deceased Representative.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition signed by 5 college presidents and 39 college professors in aid of sundry others signed by college presidents and professors, presented heretofore, in regard to the prosecution of the inquiry into the conditions in the Philippine Islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GAMBLE presented a petition of the Bonesteel Commercial Club, of Bonesteel, S. Dak., praying for the ratification of the agreement entered into between the United States and the Rosebud Indians for the cession of that part of the reservation within the limits of Gregory County, S. Dak.; which was referred to the Committee on Indian Affairs.

He also presented a petition of the American Mining Congress, praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

Mr. PERKINS presented petitions of the International Union of Flour and Cereal Mill Employees, Local Union No. 15, of Stockton; of Typographical Union of San Jose, and of Local Union No. 227, of San Francisco, all of the American Federation of Labor, in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. SCOTT presented petitions of sundry citizens of Ravenswood, Sutton, Wellsburg, and South Buckhannon, all in the State of West Virginia, praying for the enactment of legislation granting to the States power to deal with the intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the South Side Christian Endeavor Society, of Stevens Point, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on property owned by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the South Side Christian Endeavor Society, of Stevens Point, Wis., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Federated Trades Council, American Federation of Labor, of Madison, Wis., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. CULLOM presented a petition of the National Live Stock Association, of Chicago, Ill., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.